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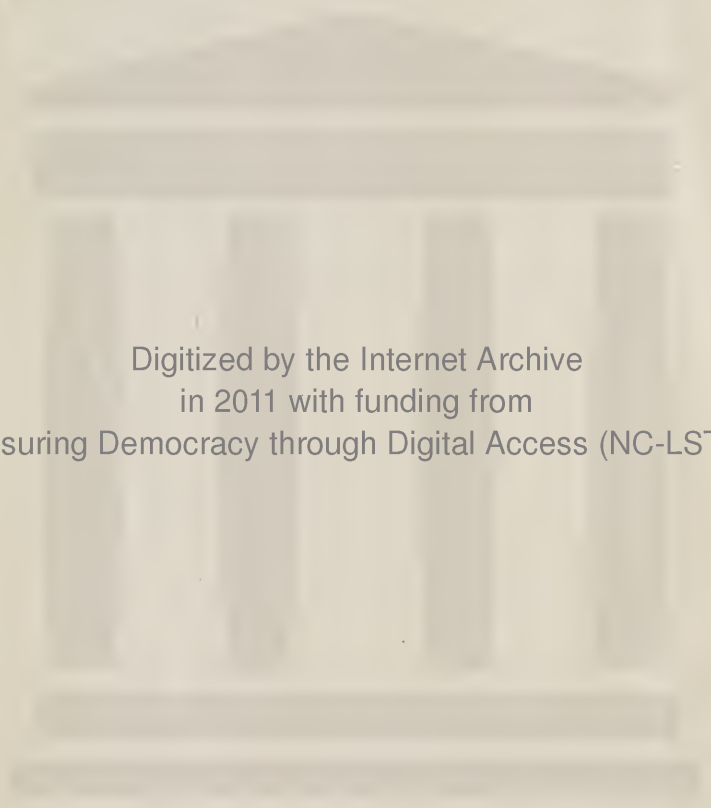
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PUBLIC LOCAL LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1911

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1911

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1911



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OF THE

# PUBLIC LOCAL LAWS

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PUBLIC LOCAL LAWS

OF THE

STATE OF NORTH CAROLINA

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SESSION 1911

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PUBLIC LOCAL LAWS  
OF THE  
STATE OF NORTH CAROLINA  
SESSION 1911

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CHAPTER 1.

AN ACT TO APPOINT A JUSTICE OF THE PEACE FOR HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. H. Mitchell be, and he is hereby, appointed a justice of the peace in Ahoskie Township, Hertford County. Name and township.

SEC. 2. That his term of office shall be for four years. Said term to begin upon the ratification of this act. And he shall have thirty days within which to qualify. Term. Qualification.

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

Ratified this the 12th day of January, 1911.

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CHAPTER 2.

AN ACT APPOINTING C. H. HARRIS AND J. W. ROBBINS JUSTICES OF THE PEACE FOR ROCKY MOUNT TOWNSHIP, IN NASH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That C. H. Harris and J. W. Robbins be and they are hereby appointed justices of the peace in Rocky Mount Township, Nash County. Name and township.

SEC. 2. Their term of office shall begin upon the ratification of this act, and they shall continue in office for four years from and after the first day of December, 1910.

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

Ratified this the 13th day of January, 1911.

## CHAPTER 3.

AN ACT TO PROHIBIT THE SALE OF MALT, NEAR BEER AND  
BEERINE IN MACON COUNTY

*The General Assembly of North Carolina do enact:*

- Prohibition. SECTION 1. That it shall be unlawful to sell or offer for sale any malt, near beer or beerine or any other drink or beverage containing alcohol in any quantity, except such as are permitted to be sold under chapter seventy-one (71) of the Public Laws of the special session of one thousand nine hundred and eight.
- Exception. SEC. 2. That any person, firm or corporation violating section one (1) of this act shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the Court.
- Misdemeanor. Punishment. SEC. 3. That this act shall not in any way affect the existing laws governing the sale of spirituous liquors by druggists for medicinal purposes.
- Sales by druggists. SEC. 4. That this act shall be in force from and after its ratification and shall apply only to the county of Macon.
- Effect and application. Ratified this the 17th day of January, 1911.

## CHAPTER 4.

AN ACT TO SUPPLY THE RECORD OF GRANTS IN MOORE  
COUNTY.

*The General Assembly of North Carolina do enact:*

- Commissioners to cause records of grants to be copied. SECTION 1. That the Board of Commissioners of the county of Moore shall, without unnecessary delay, cause all the records of grants now recorded in the office of the Secretary of State, conveying lands situate in the county of Moore as now constituted, to be recorded in record books provided by them for said purpose, and the Secretary of State shall thereupon append a certificate, under the seal of his office, in each book that the record therein made of such grants is correct as recorded in his office.
- Secretary of State to certify records. SEC. 2. That upon the certification of said record books, as herein provided, they shall be delivered to the custody of the register of deeds of Moore County and deposited in his office, and shall thereupon become the official record books of grants for the county of Moore as to the grants therein recorded, and import such verity, and have all the force and effect as the original record of said grants in said office; and the said record books, or a certified copy of any of the grants therein recorded, under the seal of the office of the register of deeds of said county may be introduced in evidence in any of the courts of the State.
- Books to be delivered to register of deeds.
- Official record book of grants.
- Books or certified copy evidence.

SEC. 3. That the expense of so recording said grants shall be borne by the said county of Moore.

Expense borne by county of Moore.

SEC. 4. That the said commissioners shall have authority to employ such person or persons to make such record as they may designate, at a price to be fixed by them: *Provided*, that the Secretary of State shall be permitted to employ one person at a reasonable price, and at the expense of said county of Moore, to assist in making said records and verifying the same.

County commissioners to employ copyist.

Proviso: Secretary of State to employ assistant.

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

Ratified this the 17th day of January, 1911.

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#### CHAPTER 5.

AN ACT TO REPEAL CHAPTER NINE HUNDRED AND TWELVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, REGULATING THE HUNTING OF FOXES IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter nine hundred and twelve of the Public Laws of one thousand nine hundred and nine be hereby repealed.

Repeal.

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

Ratified this the 17th day of January, 1911.

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#### CHAPTER 6.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND EIGHTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, TO INCREASE THE COMPENSATION OF THE COURT STENOGRAPHER OF PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eight of chapter six hundred and eighteen of the Public Laws of one thousand nine hundred and five (1905) be amended by adding the following at the end of said section: "In addition to the fees above provided for said stenographer shall receive four dollars per day for each day he or she serves as court stenographer. The same shall be allowed by the commissioners and paid by the treasurer of Pitt County."

Per diem.

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

Ratified this the 17th day of January, 1911.

## CHAPTER 7.

## AN ACT TO ESTABLISH THE DIVISION LINE BETWEEN TWO SPECIAL TAX SCHOOL DISTRICTS IN RICHLAND TOWNSHIP, BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

Division line.

Courses and distances.

SECTION 1. That the division line between the Royal Special Tax District and South Creek Special Tax District in Richland Township, Beaufort County, be and the same is hereby established as follows: Beginning on South Creek at the mouth of Long Creek and running southwardly with Long Creek to its head and the same course continued to the Mayo road, and with said Mayo road to the public road leading from Aurora to Oregon; thence with M. J. Barrow's line across said public road and with W. H. Branch's line to W. T. Hudnell's, W. L. Godley's, O. J. Peed's and S. W. Hudnell's east lines to the present division line of the aforementioned Special Tax Districts.

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 this the 18th day of January, 1911.

## CHAPTER 8.

## AN ACT TO PROTECT QUAIL AND OTHER GAME BIRDS IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Game protected.

Close season.

Possession of game prima facie evidence.

Unlawful to hunt or fish on premises of another.

Prima facie evidence.

SECTION 1. That it shall be unlawful for any person to trap, take, catch, shoot or kill, or in any other manner destroy any quail, partridges, pheasants or wild turkeys between the twentieth day of January and the twentieth day of November in any year, and that the possession of any quail, partridges, pheasants or wild turkeys between the twentieth day of January and the twentieth day of November by any person shall be *prima facie* evidence of the violation of this act.

SEC. 2. That it shall be unlawful for any person to hunt or fish upon the lands of another without permission from the land owner, and if any person shall go upon the lands of another with a gun, fishing rods and tackle or other means for taking fish, it shall be *prima facie* evidence that such person is hunting or fishing within the meaning of this section.

SEC. 3. That any person violating any of the provisions of this Misdemeanor. act shall be guilty of a misdemeanor and shall be fined not more Punishment. than fifty dollars or imprisoned not more than thirty days.

SEC. 4. That chapter four hundred and sixty-three, Public Laws Law repealed. of North Carolina, session of one thousand nine hundred and nine, be and the same is hereby repealed.

SEC. 5. That this act shall only apply to Caldwell County. Limitation.

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

Ratified this the 20th day of January, 1911.

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### CHAPTER 9.

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND NINETY NINE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO COTTON WEIGHER OF STANLY COUNTY AND THE TOWN OF ALBEMARLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and ninety-nine of the Pub- Law repealed. lic Laws of one thousand nine hundred and nine, be and the same is hereby repealed.

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

Ratified this the 18th day of January, 1911.

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### CHAPTER 10.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, BEING AN ACT TO IMPROVE THE PUBLIC ROAD FROM LENOIR TO BLOWING ROCK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and seventy-four of the Other toll gates Public Laws of one thousand nine hundred and three be amended authorized. by inserting after the word "gate" in line two of section four of said act, the words, "or gates."

SEC. 2. That all of said act after the word "lawful" in line three Prohibition of dividends of section four down to and including section eight of said act be stricken out. stricken out.

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

Ratified this the 19th day of January, 1911.

## CHAPTER 11.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COURT  
STENOGRAPHER FOR MACON COUNTY.*The General Assembly of North Carolina do enact:*Judge to appoint  
stenographer.

SECTION 1. That any judge holding court in the county of Macon may appoint a court stenographer for the term of such court, who shall be paid by the county such compensation as may be just, to be fixed by the judge.

Compensation to  
be fixed by judge.

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

Ratified this the 18th day of January, 1911.

## CHAPTER 12.

AN ACT TO AMEND SECTION THIRTY-EIGHT HUNDRED AND  
THREE (3803) OF THE REVISAL OF ONE THOUSAND NINE  
HUNDRED AND FIVE, RELATIVE TO BUTCHERS KEEP-  
ING RECORD, ETC.*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section thirty-eight hundred and three (3803) of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by inserting in the last line of said section after the word "county" the words "No. Five (5) Township, Pamlico County."

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

Ratified this the 19th day of January, 1911.

## CHAPTER 13.

AN ACT TO ALLOW THE COMMISSIONERS OF ALLEGHANY  
COUNTY TO LEVY A SPECIAL TAX TO PAY FOR THE EREC-  
TION OF A NEW COURT-HOUSE.*The General Assembly of North Carolina do enact:*Special tax  
authorized.  
Rate.

SECTION 1. That the commissioners of Alleghany County be and are hereby empowered to levy a special tax, not to exceed fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll for the purpose of paying the indebtedness of

Purpose.

said county, either principal or interest or both, incurred in the erection of a new court-house.

SEC. 2. That this tax may be levied for each and every year until the said debt is paid. Duration of power.

SEC. 3. That no part of the funds arising from the tax aforesaid shall be applied to any other purpose. Specific appropriation.

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

Ratified this the 19th day of January, 1911.

#### CHAPTER 14.

#### AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT OF MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Edgar Haywood, clerk of the superior court of Montgomery County, be and he is hereby allowed to absent himself from 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 ministerial business thereof. Leave of absence from office.  
Deputy to be provided.

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

Ratified this the 19th day of January, 1911.

#### CHAPTER 15.

#### AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND SIXTY-ONE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, BY PROVIDING THAT FOUR AND ONE-HALF FEET SHALL BE A LAWFUL FENCE IN PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand six hundred and sixty-one of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by adding "Perquimans" after the word "Lenoir" in line six of said section. Law extended.

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 this the 20th day of January, 1911.

## CHAPTER 16.

## AN ACT TO PROTECT WILD TURKEYS IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful to kill wild turkeys in Swain County from the first day of May to the first day of September in each and every year.

Misdemeanor.  
Punishment.

SEC. 2. That every person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 17.

## AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIVE OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN, INCORPORATING THE CALDWELL AND ASHE TURNPIKE COMPANY.

*The General Assembly of North Carolina do enact:*

Power of sale  
or lease.

SECTION 1. That at the end of section ten of said chapter one hundred and five of the Public Laws of one thousand eight hundred and forty-seven, add two other sections to be numbered respectively eleven and twelve, in words and figures as follows, viz.:

“Sec. 11. That the said Turnpike Company may, by a two-thirds vote of all the shares of stock of record in the stock book of the company, sell or lease for a term of years its road, road-bed, franchise and property of all descriptions whatever to any other turnpike company, organized or to be organized under the laws of North Carolina, and such vendee or lessee, upon such sale or lease, shall at once succeed to all the rights, privileges, franchises and property of said road, or company, as fully as the same are or may be enjoyed by the said Caldwell and Ashe Turnpike Company, now the Caldwell and Watauga Turnpike Company. In case of a sale of the property and franchise of the said Caldwell and Ashe Turnpike Company, now the Caldwell and Watauga Turnpike Company, the said company may wind up its affairs and cease to be a corporation, and all its rights, privileges and franchises shall vest in, and be enjoyed and exercised by its successors or assigns.

Purchaser or  
lessee to succeed  
to rights, fran-  
chises and prop-  
erty.

Section of road  
to be turned over  
to county.

“Sec. 12. The said Caldwell and Ashe Turnpike Company, now the Caldwell and Watauga Turnpike Company, its successors, as-

signs or lessees, may turn over that part of its road from Shull's Mills on the Watauga River to its intersection with the Yonahlossee Turnpike to the board of county commissioners of Watauga County, who shall receive the same as a public road to be kept up and maintained as other public roads of said county."

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

Ratified this the 20th day of January, 1911.

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### CHAPTER 18.

AN ACT TO AMEND SECTION ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE BY PROVIDING A SQUIRREL LAW IN PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand eight hundred and eighty-two of The Revisal of one thousand nine hundred and five, be and the same is amended by leaving off "Perquimans" after the word "Mecklenburg" in line five of said section. Perquimans  
stricken out.

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 this the 20th day of January, 1911.

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### CHAPTER 19.

AN ACT TO AMEND SECTION ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE, REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE TIME FOR HUNTING OPOSSUM IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand eight hundred and eighty-three of The Revisal of one thousand nine hundred and five, be amended by adding at the end thereof the following words: "Sampson between the first day of March and the first day of October." Close season.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 20.

## AN ACT AUTHORIZING THE COMMISSIONERS OF MARTIN COUNTY TO MAKE CONTRACTS AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Committee to make contracts.

SECTION 1. That the board of commissioners of Martin County are hereby authorized and empowered at any regular or special meeting of said board to appoint any one or more of their number as a committee to make contracts for said county, such as the contracting or letting the building of bridges or other work of like nature and all work of like nature for said county, and to supervise the same, and to receive and pass on said contracts or work and report the same to the board of commissioners in regular session. *Provided, however,* that said commissioner or commissioners so appointed for such special work shall only receive as compensation the same amount per diem and the same amount for mileage as is now received by said commissioners as their compensation. And the act or acts of said commissioner or commissioners so appointed shall be valid. That this act shall apply to any work of like nature heretofore done by said board of commissioners of Martin County.

Proviso: compensation of committee.

Acts of committee valid.

Limit of contracts.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 21.

## AN ACT TO PROMOTE THE GROWING OF IMPROVED LIVE STOCK IN THE COUNTY OF BEAUFORT.

*The General Assembly of North Carolina do enact:*

Unlawful for bulls or boars to run at large.

SECTION 1. That it shall be unlawful for any person or persons to allow their bull or bulls or bull calves above the age of six months old or boar or boars or boar pigs above the age of four months old to run at large in the free range in Beaufort County.

Misdemeanor.

SEC. 2. That any owner of any such live stock as is mentioned in section 1 of this act allowing the same to run at large in the free range in Beaufort County in violation of the provisions thereof upon conviction shall be guilty of a misdemeanor and shall be fined not to exceed five dollars or imprisoned not more than ten days for each offense.

Punishment.

SEC. 3. That this act shall be in full force and effect from and after the first day of June, one thousand nine hundred and eleven.

Ratified this the 20th day of January, 1911.

## CHAPTER 22.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND TWENTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, FIXING THE TIME FOR HUNTING QUAIL IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter seven hundred and twenty-six, Public Laws of one thousand nine hundred and nine, be amended by striking out all of said section after the word "March" in line four and inserting in lieu thereof the words "To the fifteenth day of November." Close season changed.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 23.

AN ACT TO REPEAL CHAPTER SEVEN HUNDRED AND TWENTY-SIX OF THE PUBLIC LAWS OF NORTH CAROLINA OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE DRAINAGE OF LANDS ON INDIAN CREEK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and twenty-six of the Public Laws of North Carolina of the year one thousand nine hundred and five, entitled "An act concerning drainage of lands on Indian Creek from Shull's bridge to Crouse's bridge," and all amendments thereof, be, and the same is hereby repealed. Law repealed.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 24.

AN ACT CONCERNING THE HUNTING OF OPOSSUMS IN RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to hunt or catch opossums in Randolph County between the first day of January and the first day of October in any year. Close season.

Misdemeanor.  
Punishment.

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 five dollars, or imprisoned not more than thirty days.

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

Ratified this the 20th day of January, 1911.

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#### CHAPTER 25.

#### AN ACT VALIDATING CERTAIN PROBATES AND THE OFFICIAL ACTS OF THE DEPUTY CLERK IN SWAIN COUNTY.

Preamble.

Whereas, R. H. Hyde was duly appointed a deputy clerk of the superior court of Swain County on June twenty-seventh, one thousand nine hundred and seven, and the certificate of deputation was duly recorded in the special proceedings docket in the office of the clerk of the superior court, a copy of the same furnished to the register of deeds of Swain County, and whereas, the register of deeds failed to record or index the certificate of deputation: Therefore,

*The General Assembly of North Carolina do enact:*

Acts validated.

SECTION 1. That all probates and other official acts performed by said deputy are hereby legalized and validated and shall have the same force and effect as if the certificate of deputation had been duly recorded and indexed in the office of the register of deeds of Swain County.

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

Ratified this the 20th day of January, 1911.

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#### CHAPTER 26.

#### AN ACT TO REGULATE HUNTING IN WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That from the fifteenth day of March to the first day of November in each year it shall be unlawful for any person or persons to hunt, shoot or kill quail, partridge or squirrel in the county of Washington.

Misdemeanor.  
Punishment.

SEC. 2. That any and all persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.

SEC. 3. That possession of a dead quail, partridge, or squirrel shall be *prima facie* evidence of the killing thereof and in violation of this act. Possession *prima facie* evidence.

SEC. 4. All laws conflicting with this act are hereby repealed.

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

Ratified this the 20th day of January, 1911.

CHAPTER 27.

AN ACT TO PROVIDE FOR THE REREGISTRATION OF DEEDS  
IN LEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That, Whereas the records of registration of deeds in Moore County were destroyed by fire on the fifth day of October, one thousand eight hundred and eighty-nine, and whereas, a large number of such deeds, duly registered prior to such fire have not been reregistered, conveying the lands to that portion of Lee County, formerly embraced in the territory of Moore County, now therefore, the following form of probate shall be sufficient in law and equity, and give full force and effect to such deeds, and admit to registration in the office of the register of deeds of Lee County, as were admitted to probate and registration in the office of the register of deeds for Moore County prior to the fifth day of October, one thousand eight hundred and eighty-nine, to wit: Preamble.  
  
Form of probate declared sufficient.

North Carolina—Lee County.  
In the Superior Court.

It appearing to the undersigned clerk superior court in Lee County that the attached deed, after execution and delivery was duly admitted to probate on the .....day of .....1..., and registered in the office of the register of deeds of Moore County on the .....day of..... 1..., in book ....., page ....., and it appearing to the undersigned clerk superior court that the lands conveyed by such deed are in that part of the territory of Lee County formerly embraced in the territory of Moore County, and it further appearing to the clerk superior court that said deed is genuine and that the record of the registration of same has been destroyed by fire, it is on motion, ordered, adjudged and decreed that said deed and all its certificates, pertaining to its former probate and registration together with this certificate be registered in the office of the register of deeds for Lee County.

This .....day of .....191...

.....  
Clerk Superior Court.

Effect of  
registration.

SEC. 2. That when so registered the deed shall have the same force and effect as it had prior to the destruction of the record of its registration by fire on the fifth day of October, one thousand eight hundred and eighty-nine.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 20th day of January, 1911.

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#### CHAPTER 28.

AN ACT AUTHORIZING THE BOARDS OF COMMISSIONERS FOR THE COUNTIES OF HENDERSON AND TRANSYLVANIA TO EMPLOY AN ENGINEER TO EXAMINE AND REPORT UPON THE PROBABLE COST OF REMOVING THE BUCK SHOALS IN THE FRENCH BROAD RIVER.

*The General Assembly of North Carolina do enact:*

Joint or separate  
action authorized.

SECTION 1. That the boards of commissioners for the counties of Henderson and Transylvania acting jointly or separately are hereby authorized and empowered to employ a competent engineer to investigate the practicability and probable cost of blowing out Buck Creek Shoals in the French Broad River, near the Buncombe and Henderson County line, with the view of draining large bodies of fertile lands on both sides of the said river above the said shoals, and preventing the disastrous freshets to which these lands are from time to time subjected.

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

Ratified this the 20th day of January, 1911.

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#### CHAPTER 29.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINETY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO DOGS IN GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

Dogs allowed to  
run at large.

SECTION 1. That chapter six hundred and ninety-four of the Public Laws of one thousand nine hundred and nine be amended by striking out the word "Granville" in section five thereof.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 30.

## AN ACT TO VALIDATE CERTAIN PROBATES IN GRANVILLE COUNTY.

Whereas, I, E. Harris, a notary public in and for Granville County, while a stockholder of the Citizens Bank of Creedmoor, in Granville County, did take the acknowledgment and probate of certain deeds of trust and other instruments wherein said bank was interested: Therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That all such acknowledgments, private examinations of married women, and probates be and the same are hereby validated, confirmed and made legal, binding and regular. Probates validated and confirmed.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 31.

## AN ACT TO PROHIBIT EXHIBITION OF PRIZE FIGHTS IN MOVING PICTURE SHOWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm, corporation or association to exhibit or show in any moving picture show, or otherwise, any prize fight or pictures showing prize fight or fights. Exhibition or show forbidden.

SEC. 2. Any person, firm, corporation or association violating the provisions of this act shall be guilty of a misdemeanor. Misdemeanor.

SEC. 3. It shall be the duty of the sheriff and all other lawful officers of Rockingham County to prevent the violation of this act by arresting any person or persons who they find violating, or attempting to violate the provisions of this act. Said sheriff or other officer shall have the right and authority to summon to his aid any number of bystanders or other persons necessary to prohibit the violation of this act. Any person obstructing or refusing to assist such officer when so summoned shall be guilty of a misdemeanor. Duty of sheriff of Rockingham County.  
Power to summon posse.  
Obstructing or refusing to help officer a misdemeanor

SEC. 4. This act shall apply only to Rockingham County. Application of act.

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

Ratified this the 20th day of January, 1911.

## CHAPTER 32.

## AN ACT TO AMEND THE ROAD LAW OF MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Reference  
changed.

SECTION 1. That section twenty-nine of chapter three hundred and five of the Public Laws of one thousand nine hundred and nine be amended by striking out the word "ninety" at the end of line one, and insert in lieu thereof the word "eighty."

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

Ratified this the 21st day of January, 1911.

## CHAPTER 33.

## AN ACT CONCERNING THE WORKING OF THE PUBLIC ROADS OF LINCOLN COUNTY.

*The General Assembly of North Carolina do enact:*

Inspectors  
abolished.

SECTION 1. That section eight of chapter six hundred and fifty-two, Public Laws of one thousand nine hundred and nine, is hereby repealed.

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

Ratified this the 21st day of January, 1911.

## CHAPTER 34.

## AN ACT TO REPEAL CHAPTER TWO HUNDRED AND TWENTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO FEES OF WITNESSES AND OFFICERS AND TO THE PAY OF COUNTY COMMISSIONERS IN CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter two hundred and twenty-six of the Public Laws passed at the session of one thousand nine hundred and seven, be and the same is hereby repealed.

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

Ratified this the 24th day of January, 1911.

## CHAPTER 35.

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND THIRTY-TWO, REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE JURY FEES IN COURTS OF JUSTICES OF THE PEACE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand four hundred and thirty-two, Revisal of one thousand nine hundred and five, be amended by striking out the word "three" in line two thereof, and inserting in lieu thereof the word "six"; and also, by striking out the compound word "twenty-five" in line five and inserting in lieu thereof the word "fifty."

Deposit for jury fees.

SEC. 2. That this act shall apply only to Johnston County.

Limit of application.

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

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

Ratified this the 24th day of January, 1911.

## CHAPTER 36.

AN ACT TO INCREASE AND REGULATE THE PAY OF JURORS AND SPECIAL VENIREMEN IN STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all regular jurors in Stanly County shall receive the sum of one dollar and fifty cents for each day's attendance upon any superior court or coroner's inquest, and mileage at the rate of five cents per mile.

Regular jurors.

SEC. 2. That all tales jurors shall receive the sum of one dollar and twenty-five cents per day, without mileage.

Tales jurors.

SEC. 3. That all special veniremen who actually serve shall receive the sum of one dollar and fifty cents per day with mileage at the rate of five cents per mile.

Special veniremen serving.

SEC. 4. That all special veniremen who attend and who do not serve shall receive one-half the pay of a regular juror, with mileage at the rate of five cents per mile.

Special veniremen not serving.

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

SEC. 6. That this act shall apply to Stanly County only and shall be in force from and after its ratification.

Limit of application.

Ratified this the 24th day of January, 1911.

## CHAPTER 37.

AN ACT FOR THE RELIEF OF MISS MAUD BERRY, APPOINTED A COURT STENOGRAPHER FOR FALL TERM OF ONE THOUSAND NINE HUNDRED AND TEN OF MACON COUNTY.

*The General Assembly of North Carolina do enact:*

Payment  
authorized.

SECTION 1. The board of commissioners of Macon County is hereby authorized, empowered and directed to order the payment to Miss Maud Berry of forty-one dollars and twenty-five cents for services rendered as court stenographer at fall term one thousand nine hundred and ten of Macon superior court.

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

Ratified this the 24th day of January, 1911.

## CHAPTER 38.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF STOKES COUNTY TO APPLY ALL SURPLUS TAXES LEVIED AND COLLECTED AND TO BE COLLECTED UNDER CHAPTER FORTY-TWO OF THE PUBLIC LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND FIVE, TO THE PAYMENT OF THE OUTSTANDING INDEBTEDNESS OF THE COUNTY OF STOKES, INCURRED IN THE CONSTRUCTION, ERECTION, AND REPAIRING OF PUBLIC BRIDGES IN SAID STOKES COUNTY, AND TO AUTHORIZE SAID COMMISSIONERS TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

Use of surplus  
authorized.

SECTION 1. That the board of commissioners of the county of Stokes be and it is hereby authorized and empowered to apply whatever surplus fund may remain of the taxes levied by the board, and collected and to be collected, including the levy made on the first Monday in June, one thousand nine hundred and ten, under and by virtue of chapter forty-two of the Public Laws of North Carolina of one thousand nine hundred and five, after the payment of all the bonds, interest thereon, costs and charges set forth in said act, to the payment of the outstanding notes of the county of Stokes, and interest thereon, to wit: The seven thousand dollars (\$7,000) issued on the sixth day of December, one thousand nine hundred and nine, and the five thousand dollars (\$5,000) issued on the seventh day of November, one thousand nine hundred and ten, for money borrowed by said county for bridge purposes, and that the said board of commissioners issue an order to the

treasurer of Stokes County to so apply and pay the same, and the receipt of the holders of said notes in the hands of said treasurer for said payments, shall be a valid voucher for him in the settlement of said fund.

SEC. 2. That the board of county commissioners of Stokes County be, and it is hereby authorized and empowered at the time of levying the general state and county taxes for said county, either on the first Monday in June, one thousand nine hundred and eleven, or on the first Monday in June, one thousand nine hundred and twelve, as said board in its discretion may deem best for the interest of the county, to levy an additional special tax on all property in Stokes County subject to taxation, sufficient in amount to pay off and discharge whatever balance may remain due and unpaid on said notes of the county of Stokes hereinbefore named, to wit: The issue of seven thousand dollars (\$7,000) on the sixth day of December, one thousand nine hundred and nine, and the five thousand dollars (\$5,000) issued on the seventh day of November, one thousand nine hundred and ten, together with the interest thereon, and costs and charges incident to the collection and disbursement of same, after applying the surplus fund arising from special taxes, as is directed in section one of this act. Special tax authorized.

SEC. 3. That the said special taxes directed to be levied under section two of this act, shall be collected by the sheriff of said county, whose official bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid. Collection of tax.

SEC. 4. That said county treasurer shall receipt the sheriff for said special taxes, and be liable on his official bond for the same as for other county taxes, and shall use the same for the payment of the notes, interest on same, costs and charges incident to the collection and disbursement of said special taxes. County treasurer to receive proceeds.

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

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

Ratified this the 24th day of January, 1911.

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### CHAPTER 39.

AN ACT TO AMEND CHAPTER (109) ONE HUNDRED AND NINE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO PAY OF JURORS IN GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter one hundred and nine, Public Laws of one thousand nine hundred and nine, be and the same is Talesman when ordered to return.

hereby amended by inserting in line seven (7) of same section after after the word "talesman" "that talesman shall receive two dollars per day when ordered by the court to return another day."

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 this the 24th day of January, 1911.

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CHAPTER 40.

AN ACT TO AMEND THE ROAD LAW OF HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Tax rate.

SECTION 1. That the road law of Hertford County, chapter four hundred and twenty-four, section nine, be and the same is hereby amended by striking out the "ten" in line twelve and writing in lieu thereof "fifteen," and striking out "thirty" in line thirteen and writing in lieu thereof "forty-five."

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

Ratified this the 24th day of January, 1911.

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CHAPTER 41.

AN ACT TO AMEND SECTIONS ONE THOUSAND SIX HUNDRED AND SEVENTY-TWO, ONE THOUSAND SIX HUNDRED AND SEVENTY-THREE AND ONE THOUSAND SIX HUNDRED AND SEVENTY-FOUR OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, PROVIDING THAT A MAJORITY OF THE QUALIFIED VOTERS SHALL CALL STOCK LAW ELECTIONS IN MACON COUNTY.

*The General Assembly of North Carolina do enact:*

Petition for election.

SECTION 1. That sections one thousand six hundred and seventy-two, one thousand six hundred and seventy-three and one thousand six hundred and seventy-four of The Revisal of one thousand nine hundred and five be and the same are hereby amended by striking out the words "one-fifth of the qualified voters" wherever they occur in said sections and inserting in lieu thereof the words "a majority of the registered voters."

SEC. 2. That this act shall apply only to the county of Macon and shall be in force from and after its ratification.

Ratified this the 24th day of January, 1911.

## CHAPTER 42.

## AN ACT TO PROTECT QUAIL IN GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to Close season.  
hunt, shoot, trap, or otherwise kill quail in Gaston County for two  
years from and after the ratification of this act.

SEC. 2. That any person or persons violating this act shall be Misdemeanor.  
deemed guilty of a misdemeanor and fined not exceeding ten dollars Punishments.  
for each and every offense.

SEC. 3. That this act shall be in force from and after its ratifi-  
cation.

Ratified this the 24th day of January, 1911.

## CHAPTER 43.

AN ACT TO PROVIDE GOOD ROADS IN YOUNGSHIRE TOWNSHIP,  
FRANKLIN COUNTY.

Whereas, under the provisions of chapter two hundred and thirty- Preamble.  
four, public laws of one thousand nine hundred and nine, an elec-  
tion was duly held and carried in Youngsville Township, Franklin  
County, on May eleventh, one thousand nine hundred and ten, for  
building good roads and the levy of a tax of thirty cents on the one  
hundred dollars worth of property and of ninety cents on the poll  
in said township:

And, whereas, at a mass meeting of the citizens of said township, Preamble.  
held prior to said election, the provisions of this bill were discussed  
and unanimously endorsed:

*The General Assembly of North Carolina do enact:*

SECTION 1. That R. C. Underwood, C. C. Winston, J. F. Mitchell, Road trustees  
L. C. Mitchiner, G. C. Patterson, Jenadus C. Winston, C. W. Roberts, named.  
D. W. Spivey and C. A. Garner are hereby appointed a board of  
trustees for the public roads of Youngsville Township, in Franklin  
County. The first three shall hold the said position of trustees for Terms of office.  
six years, the next three for four years, and the last three for two  
years. At the expiration of the terms of any, their successors shall Election of  
be elected for six years by the county board of commissioners of successors.  
Franklin County. All vacancies caused by death, resignation or Vacancies.  
removal from the said township shall be filled for the unexpired  
term by the remaining members of said board: *Provided*, that the  
position of trustees shall not constitute an office within the meaning Position of trustee  
not an office.

	of article seven, section fourteen of the Constitution of North Carolina.
Trustees incorporated.	SEC. 2. That the said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Youngsville Township,"
Corporate name.	and by that name may sue and be sued, make contracts, acquire real and personal property by gift, purchase or devise; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.
Corporate powers.	
Trustees to take control and management of roads.	SEC. 3. That it shall be the duty of the said board of trustees to take the control and management of the roads of said Youngsville Township, and said trustees are hereby vested with all the rights and powers for such control and management as are now vested in and exercised by the board of county commissioners of Franklin County and the road supervisors of Youngsville Township.
Rights and powers.	
Organization.	SEC. 4. That the board of trustees shall annually elect a chairman and secretary and treasurer. The treasurer shall have charge of all road funds of the township and may be required to give bond in sufficient amount to cover funds coming into his hands. The board of trustees shall annually elect three of their number, who shall constitute and be known as the "executive committee." The committee shall meet at stated intervals as may be directed by the trustees, shall have a chairman and secretary, shall order and issue vouchers for payment of general expenses connected with working roads and the purchase of machinery and implements, which said vouchers shall be signed by the chairman and secretary of said committee, and a record thereof kept. And the board of trustees may delegate to said executive committee any and all of its powers except that of issuing bonds.
Treasurer to have charge of funds and give bond.	
Executive committee.	
Meetings.	
Vouchers.	
Delegation of powers.	
Superintendent of roads.	SEC. 5. The said board of trustees shall annually elect a superintendent of roads for Youngsville Township, who shall be paid such compensation out of the road fund of said township as may be fixed by said trustees, and who shall hold office for one year or until his successor shall be elected and qualified: <i>Provided</i> , that said superintendent may at any time be removed by said board, 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 removal. It shall be the duty of said superintendent, subject to the approval of the board, to supervise, direct and have charge of the maintenance and construction of all public roads in Youngsville Township, and he shall submit to said executive committee a monthly report concerning the work in progress and the moneys expended, and such other reports as may be required of him. As a guarantee of the faithful and honest discharge of the duties of his office the board may require of said superintendent such bond as may be deemed advisable.
Compensation.	
Term of office.	
Proviso: removal for cause.	
Duty of superintendents.	
Monthly reports.	
Other reports.	
Bond of superintendent.	
Machinery and implements.	SEC. 6. The said board of trustees may purchase such machinery

and implements as may be needed for the proper working and construction of the roads, may employ a competent engineer or surveyor, and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act: *Provided*, that no person shall be subject to road duty.

Engineer or surveyor.  
Other powers and privileges.

Proviso: no road duty.

SEC. 7. That the superintendent of roads of Youngsville Township is hereby authorized to enter upon any uncultivated lands near to or adjoining any public road of said township, to cut and carry away timber, except trees or groves on improved land, planted or left for shade or ornament, 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 such roads and enter upon any lands adjoining or lying near such roads in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person, and any person obstructing such drain or ditch shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days. If the owner of any land from which timber, stone, clay, gravel or sand were taken as aforesaid, shall present an account for the same through said superintendent to said board or executive committee within thirty days after the taking thereof, it shall be the duty of said board to pay for same at a fair price; and in case of any disagreement as to the value, the superintendent of roads shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said freeholders shall assess said damages and report the same in writing to the superintendent of roads.

Entrance on land for material.

Entrance on land for drains and ditches.

Obstruction of drain or ditch a misdemeanor.

Punishments.

Accounts for material.

Settlement by arbitration.

SEC. 8. That the said superintendent of roads, with the approval of the trustees or executive committee, is hereby given discretionary power to locate, re-locate or change any part of any public road in said township when, in his judgment, the same will prove advantageous to public travel. That, when any person on whose lands the new road or part of the new road is to be located claims damages therefor and within thirty days petitions said board of trustees for a jury to assess the damages, the said trustees shall, within not less than fifteen nor more than sixty days after the completion of said road, order a jury of three disinterested freeholders of Youngsville Township to be selected and summoned by the sheriff of Franklin County as provided by law, who shall give said landowner forty-eight hours' notice of the time and place, when and where the said jury will meet to assess his damages; and said jury, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and, if such benefits be considered equal to or greater than the damages sustained, the jury shall so declare, and it shall report its finding in writing to said trustees for revision and confirmation: *Provided*, that such

Location or change of roads.

Assessment of damages.

Proviso: right appeal.

owner may appeal to the superior court of Franklin County from the decision of said trustees.

**Bond issue authorized.** SEC. 9. That the said board of trustees shall be and are hereby authorized and empowered to issue bonds of said Youngsville Township, to be styled "Youngsville Township Road Bonds," to an amount not to exceed twenty-five thousand dollars (\$25,000), of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board; said bonds to be signed by the chairman and secretary of said board and to be of such form and tenor, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine; none of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Franklin County known as Youngsville Township, as constituted at the time of the ratification of this act.

**Amount.**

**Denomination.**

**Interest.**

**Authentication.**

**Maturity.**

**Not to be sold below par. Issue in installments.**

**Liability of township.**

**Special tax to be levied.** SEC. 10. That for the purpose of providing for the payment of said bonds and the interest thereon and for the construction, improvement and maintenance of the roads of said township, the board of county commissioners of Franklin County shall annually and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said Youngsville Township, of not less than fifteen cents and not more than thirty cents on the one hundred dollars assessed valuation of property and not less than forty-five cents and not more than ninety cents on each taxable poll. The taxes so levied shall be collected as other taxes are collected and paid to the treasurer of said board of road trustees.

**Tax rate.**

**Levy, collection and payment.**

**Proceeds of bonds to be paid to treasurer.** SEC. 11. That all funds derived from the sale of any bonds by said board of trustees shall be paid over to the treasurer of said board of trustees and shall be used for the purpose of constructing and improving the public roads in said township, the purchase of such material, machinery and implements, and the employment of such officers and labor as may be found necessary in the carrying out of this work.

**Specific appropriation.**

**Road funds to be turned over by sheriff.** SEC. 12. That all funds in the hands of the county treasurer of Franklin County, or that may hereafter come into his hands for the road fund of said Youngsville Township, shall be immediately turned over to the treasurer of the board of road trustees of Youngsville Township.

SEC. 13. That in the working and construction of roads, either convict labor or hired labor, or both, may be used as may be ordered by said board of trustees, and in the working of convicts on the public roads, all rights and privileges existing in regard thereto or that may hereafter exist, for the use of convicts in Franklin County, or any township therein, shall exist and apply to the use of convicts on the roads of Youngsville Township.

SEC. 14. That no moneys shall be expended under this act on any road or street in any incorporated town.

SEC. 15. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to said Youngsville Township, are hereby repealed.

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

Ratified this the 24th day of January, 1911.

#### CHAPTER 44.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MARTIN COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING AND IMPROVING THE PUBLIC ROADS OF WILLIAMSTON TOWNSHIP IN SAID COUNTY AND PROVIDING FOR THE MAINTENANCE OF SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of building and otherwise improving the public roads of Williamston Township, in Martin County, the board of commissioners of said county are hereby authorized, empowered and directed to issue bonds not exceeding in total amount forty thousand dollars in denominations of not less than five hundred dollars and not more than one thousand dollars, bearing interest from the date of their issue at a rate not exceeding six per cent per annum, payable semi-annually at such place as the said commissioners shall name, on the first days of January and July of each year.

SEC. 2. That the said bonds shall be made payable thirty years from the date thereof, and shall bear on their face the purpose for which and the authority by which they were issued: *Provided*, that the said board of commissioners may in their discretion issue same for twenty years instead of thirty years. The bonds and coupons shall be numbered consecutively and shall be signed by the chairman of the board of commissioners and countersigned by the register of deeds of the county and bear the corporate seal of said county of Martin.

SEC. 3. A record shall be kept by said board in a separate book for that purpose of all bonds sold, to whom sold, the amount and date of sale, and maturity of each bond and its number, also, in

same book a like record of bonds redeemed, and bonds shall be destroyed when redeemed.

Special tax.

SEC. 4. In order to pay the interest on the bonds and create a sinking fund with which to pay the principal of said bonds when due and to create a fund for the permanent improvement and to maintain said roads after being built, the board of commissioners shall annually compute and levy at the time of levying other taxes a sufficient special tax upon all polls and real and personal property in Williamston Township subject to taxation for State and county purposes, observing constitutional equation between the tax on property and the tax on polls.

Specific appropriation.

SEC. 5. That said tax when collected shall be kept separate and apart from all other taxes, and shall be used only for the purposes for which it was levied and collected. Any commissioner or other person who shall by vote or otherwise appropriate said taxes for any other purpose shall be guilty of a misdemeanor: *Provided*, that if the tax collected in any one year shall exceed the sum required to pay interest, provide sinking fund or maintain said roads, the same may be used in purchasing any of the said bonds. That said tax shall be levied from year to year until said bonds are paid.

Diversion a misdemeanor.

Proviso: application of surplus.

Investment of sinking fund.

SEC. 6. That it shall be the duty of said board of commissioners to invest any and all moneys arising from the special tax for sinking funds in the purchase of any of said bonds at not more than par; but in case none of said bonds can be purchased, the said commissioners may deposit such funds in any safe bank or banks at such rate of interest as they may be able to secure, and no bonds shall be signed or sold until actually needed for issue. The bonds provided for in this section shall be deposited in some safe designated by said board of commissioners, and only drawn out on the order of the board of commissioners. Said order to be of record and shall be issued for such sums as shall be needed for the work of one year.

Bonds to be sold as needed.

Deposit of bonds.

Order for withdrawal.

Bonds not sold below par.

Orders for receipt and payment of money.

Separate accounts.

Treasurer.

SEC. 7. That said bonds shall not be sold for less than par.

SEC. 8. That for the purpose of receiving and paying out the money received for said bonds the board of commissioners for said county shall receive and pay out said money upon the order of the chairman of said board of commissioners, countersigned by the register of deeds. That the said board of commissioners shall provide a separate account for said funds. That the treasurer of the county of Martin shall be the treasurer of said funds, and shall record in a separate book all amounts received and all amounts paid out upon order signed by the chairman of the board of commissioners, and countersigned by the register of deeds.

Powers of commissioners in connection with roads.

SEC. 9. For the purpose of carrying this act into effect, the board of commissioners shall have power to lay out, change the location of, grade, and otherwise improve the public roads of said township. They may buy and hold any kind of property necessary for the permanent improvement of said roads. They may appoint or employ all necessary engineers, agents and laborers, skilled or unskilled, and

do all things necessary to organize and conduct an effective system of permanent road building. The board of commissioners shall, also, have power to let to contractors the construction of any or all of the improved roads.

Roads may be let to contract.

SEC. 10. If, in prosecuting the work, any person claims damage on account of the laying out or the constructing of any roads, the same shall be adjudged and determined by arbitrators, one to be chosen by the commissioners, and one by the claimant. If these can not agree, they are to choose the third person. Either party may appeal to the superior court.

Arbitration of damages.

SEC. 11. That in order that the provisions of this act shall be more fully carried out, the board of county commissioners shall elect at any regular meeting an intelligent, capable man who shall be known as road supervisor for Williamston Township, and the said supervisor, upon accepting said office, shall execute to the said board of commissioners a good and sufficient bond as in discretion of said county board of commissioners, in addition to an official oath for the faithful discharge of the duties imposed by this act.

Road supervisor.

Bond of supervisor.

SEC. 12. That said supervisor shall have full control of all highways in the township, and shall have power to work all hands now liable for road duty under the general road law of the State; to hire free labor and teams, make contracts for work, or buy team and tools for the execution of said work: *Provided, however,* that any hands liable for road duty can pay the sum of five dollars per year in lieu of such road duty. Said amount to be paid to the county treasurer and placed in the road fund of said township. The treasurer's receipt for said sum of five dollars shall clear any hand in said township from road duty for said year.

Powers of supervisor.

Proviso: commutation for road work.

SEC. 13. That said board of commissioners shall have the power to hire the said supervisor and to fix the salary of same; and in their discretion to discharge him after ten days' notice if in their discretion such action becomes necessary.

Salary of supervisor.

Power of discharge.

SEC. 14. That the said county commissioners shall hire from the State Prison authorities, if deemed wise to do so, a number of convicts sufficient to carry out the provisions of this act; and the State Prison authorities are hereby authorized and empowered to hire to the commissioners of Martin County a number of convicts sufficient to build said road, and to charge said board of county commissioners the usual price now being paid to the State Prison for such convicts when so hired for such work.

Hire of convicts.

SEC. 15. That the board of commissioners of Martin County may offer said bonds for sale, or any part thereof, at any time after the ratification of this act, after giving twenty days' notice of same.

Sale of bonds.

In their discretion they may issue a smaller amount than forty thousand dollars if said work can be done for a less amount. That

Option as to amount.

the roads of Williamston Township shall all be put in good condition, together with the streets of that part of the town of Williamston known as Main and Haughton streets, beginning on the one at

Roads and streets to be worked.

the river and extending up same to the railroad crossing at the town limit. Beginning on the other at the public cemetery and running to the corner of Haughton street and down Haughton street to the railroad crossing at the town limit.

Treasurer's  
commission.

SEC. 16. That the treasurer's commission on all money received and paid out under this act shall be the same as is now provided by law for the school fund of said county.

Act to be approved  
by voters.

SEC. 17. That the provisions of said act shall not become operative until approved by a majority of the votes cast in said township in

Election to be  
ordered on petition.

manner and form as follows, to wit: That, upon the petition of not less than twenty-five of the *bona fide* voters of said township to the board of commissioners of said county at any of its regular meetings, it shall be the duty of said board to order an election held in said township for the purpose of ratification or non-ratification of said

Notice of election.

act. That said board shall give twenty days' notice of said election by advertising same in the newspaper published in Williamston,

Election officers.

North Carolina, and posting same at the court-house door. That said board shall also appoint a registrar and two judges of election

Place of election.

at the meeting when such petition is presented. That said election shall be held at the city hall, and those in favor of said bond issue

Ballots.

shall vote a ballot "For road bonds," and those opposed a ballot "Against road bonds." That the registration books for said elec-

Registration books.

tion shall be those used in said township at the last general election of one thousand nine hundred and ten; and they shall be kept

Registration.

open during the entire period of the twenty days above referred to for the registration of any voters who have become qualified since

Canvass and return  
of votes.

the last election. That the said registrar and judges of election shall canvass the said votes and make return thereof to the said board of

When act effective.

commissioners. If, upon a canvass of said votes, it is ascertained that a majority of the votes cast are in favor of said bond issue, then this act to be in full force and effect; otherwise to be ineffective.

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

Ratified this the 24th day of January, 1911.

## CHAPTER 45.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF STOKES COUNTY THREE DOLLARS PER DAY AND MILEAGE.

*The General Assembly of North Carolina do enact:*

Per diem.

SECTION 1. That the members of the board of county commissioners of Stokes County shall be allowed and shall be paid by the treasurer of the aforesaid county the sum of three dollars per day for each day they are in actual attendance upon their duties as such

commissioners, and that they shall receive the further sum of five Mileage. cents per mile to and from their places of meeting on the first day of each session, and no mileage on other days.

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 this the 24th day of January, 1911.

## CHAPTER 46.

AN ACT TO AMEND SECTIONS FOUR, SIX AND SEVEN OF CHAPTER NINETY-SIX, PUBLIC LAWS OF SESSION OF ONE THOUSAND NINE HUNDRED AND NINE, AND PROVIDE FOR THE BETTER DRAINAGE OF LOWER CREEK, IN THE COUNTIES OF CALDWELL AND BURKE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four, chapter ninety-six, of the Public Rates of assessment. Laws, session of one thousand nine hundred and nine, be amended by striking out in line eight, after the words "less than" and before the words "per acre," the words "twenty-five cents nor more than one dollar," and insert the words "fifty cents nor more than three dollars." And that line fifteen of said chapter and section be amended by inserting after the word "select" and before the word "one" the words "every year." And that line thirty-three in said Selection of collector. chapter and said section be amended by striking out the word Time for payment of assessment. "December" and inserting in place thereof the word "May." And Power to straighten stream and change channel. that section six be amended by inserting in line six, after the word "channel" and before the word "and," the words "and may straighten said stream and change the channel of same at such points and places as may seem to them to be for the better flow of the water." And that section seven be amended by striking out in line seven the Amount to be borrowed. word "ten" after the word "than," and before the word "thousand," and insert the word "fifteen" in place thereof.

SEC. 2. If it shall be necessary to acquire land in changing the Right to condemn land. channel for the betterment of the flow of the water and the improvement of the objects and purposes of this act, and in the event the same can not be acquired by purchase, then and in that event the power of eminent domain is hereby conferred and the same may be condemned. Such owner, or owners, of the land proposed to be condemned may be made parties defendant in the manner of ancillary Procedure for condemnation. proceedings, and the procedure shall be substantially as provided for the condemnation of right-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five, so far as

Payment of damages.

the same may be applicable; and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the money borrowed by said commission or from the collection of assessments upon benefits; and every privilege, power and right to carry out the provisions of this act are granted to said commission to aid in the further promotion of said work herein contemplated by this act, and in chapter ninety-six of Public Laws of session of one thousand nine hundred and nine.

Power of removing bridges.

SEC. 3. That said Lower Creek Drainage Commissioners shall have full power and authority to remove any public highway bridge or other bridge across Lower Creek in said drainage district as provided for in chapter ninety-six, Public Laws, session of one thousand nine hundred and nine, and place the material of said bridge upon the bank of said Lower Creek, and proceed with its work; and on account of the public nature of said work and the general benefit to the health of the community and otherwise, the costs of replacing said bridges shall be borne and paid by the county of Caldwell, if said bridge or bridges be on the public highway, and by the landowner if it shall be a private road. And the county commissioners of said county shall have said bridges replaced and shall pay for the same out of the general county funds for said bridges on public highways.

Cost of replacement.

Notification to railroad companies.

SEC. 4. That whereas the actual construction is in progress and the work is being done with a floating dredge, the superintendent in charge of construction shall notify any railroad company across whose right-of-way said Lower Creek flows, of the probable time at which the work of crossing such right-of-way with said floating dredge will be entered upon in the progress of said work. It shall be the duty of said railroad to send a representative to view the ground with the superintendent of construction and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other obstructions as may be necessary to permit the dredge to excavate the channel across its right-of-way. The work shall be so planned and conducted as to interfere

Time for work.

Railroad company to remove obstructions to work.

Penalty for failure.

in the least possible manner with the business of said railroad. In case the railroad company refuses and fails to remove its track and allow the dredge to construct the work across its right-of-way, it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of twenty-five dollars per day for each and every day of delay, to be collected by the Board of Drainage Commissioners for the benefit of the drainage district.

Railroad to file bill of expenses.

Within thirty days after the work is completed, an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the superintendent of construction of the drainage improvement. Such bill, however, shall not include the cost of putting in a new bridge or strengthen-

ing or enlarging an old one. The superintendent of construction shall audit this bill, and if found correct approve the same and file it with the secretary of the Board of Drainage Commissioners. The commissioners shall deduct from this bill the cost of the excavation done by the dredge on the right-of-way of said railroad company at the cost price, and pay the difference, if any, to said railroad company.

Deductions from bill.

Payment of difference.

SEC. 5. That it shall be unlawful for any person or persons, firm or corporation to operate a sawmill or other wood-working mill of any kind and deposit the sawdust or any other rubbish from said mill in Lower Creek or any of its tributaries in Caldwell County, or to allow said sawdust or other rubbish from said sawmill to go into, or to place said sawdust or other rubbish where it will wash into said creek or any of its tributaries.

Sawdust and rubbish.

SEC. 6. It shall be unlawful for any person to injure, damage or obstruct or build any bridge, roadway, fence or flood-gate, mill dam or fish trap, in such a way as to injure or obstruct the improvements and water flow of said stream, and any person, persons, firm or corporation violating any section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, in the discretion of the court.

Obstructions.

Violation of act a misdemeanor.

Punishment.

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 this the 24th day of January, 1911.

## CHAPTER 47.

### AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF POLK COUNTY TO PURCHASE LAND FOR A COUNTY HOME FOR THE AGED AND INFIRM AND TO PROVIDE FOR THE ISSUE OF BONDS TO PAY FOR THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Polk County shall, and they are hereby authorized and empowered to, purchase at least one hundred acres of land, properly timbered and watered for agricultural purposes, within a radius of four miles of the court-house of said county, said land to be used for the purpose of providing a suitable home for the aged and infirm of said Polk County.

Purchase of land authorized.

Location.

Use.

SEC. 2. That for the purpose of providing funds to pay the purchase price of the land authorized to be purchased in the preceding section, and also for the purpose of providing the necessary funds to construct and erect upon said land all necessary buildings, to properly equip said land for a home for the aged and infirm of said

Purpose of bond issue.

Bond issue authorized.  
Amount and maturity.

Interest.

Special tax.

Polk County, the county commissioners of Polk County are hereby authorized and empowered to issue the bonds of said county in a sum not to exceed three thousand dollars, said bonds to be payable in thirty years from their date and to draw interest at a rate not exceeding six per centum per annum, and the interest to be payable at a fixed date every year.

SEC. 3. After the board of commissioners shall have issued and sold said bonds, it shall be the duty of said board, annually thereafter on the first Monday in June, to levy a tax on all property and polls in said county subject to taxation for State purposes, sufficient to pay the interest on said bonds so issued as the same may become due, and at the maturity of said bonds, to levy a tax sufficient to pay the principal thereof.

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

Ratified this the 25th day of January, 1911.

#### CHAPTER 48.

#### AN ACT TO PROMOTE AND ENCOURAGE STOCK RAISING IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

Unregistered bulls or boars not to run at large.

SECTION 1. That it shall be unlawful for any person, or persons, to allow to run at large, on the range, any bull or boar of more than six months old, unless such person shall have first registered such bull or boar with the clerk of the superior court of said county.

Record book.

SEC. 2. That the board of county commissioners of said county shall provide for the said clerk of the superior court a ledger in which a record of all stock registered under this act shall be kept.

Registration fee for bulls.

SEC. 3. That any person desiring to keep and let run at large any bull or boar in said county, shall, as a fee for registering such stock under this law, pay to the said clerk of the superior court for each bull the sum of one dollar and fifty cents and for each boar the sum of seventy-five cents as a registration fee, twenty-five cents of each of which fees shall be retained by the said clerk of the superior court and the remainder paid by him into the general road fund of the county.

Registration fee for boars.  
Fee of clerk.

Road funds.

Misdemeanor.

SEC. 4. That any person or persons not complying with the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

When act effective.

SEC. 5. That this act shall be in force from and after the first Monday in June, one thousand nine hundred and eleven, and shall apply to Sampson County only.

Application.

Ratified the 25th day of January, 1911.

## CHAPTER 49.

AN ACT TO REPEAL CHAPTER SEVEN HUNDRED AND NINETY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE PROTECTION OF SHEEP IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and ninety-four of the Law repealed. Public Laws of one thousand nine hundred and five be and is hereby repealed.

SEC. 2. This act shall be in effect from and after its ratification. Ratified this the 25th day of January, 1911.

## CHAPTER 50.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND THIRTY-FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, PERTAINING TO THE DRAINAGE OF THE LOW LANDS OF CLARK'S CREEK AND ITS TRIBUTARIES IN CATAWBA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section fourteen of chapter six hundred and thirty-five, Public Laws of one thousand nine hundred and nine, be amended by adding at the end thereof the following: "and likewise any and all bridges made necessary by the change of the channel of said creek, or any of the tributaries thereto, shall be built and erected by the county commissioners of Catawba County, and paid for out of the general funds of said county, and if in the excavating and canaling of said Clark's Creek and the cutting of new channel at any place or point along said creek, which made necessary the erection and building of a new bridge or bridges across said new channel of said Clark's Creek, and if said Catawba County Drainage Commission Number One has paid for the erection and building of any such bridge or bridges so built, either by said drainage commission or by the county commissioners of Catawba County, or if the said drainage commission shall hereafter pay for any bridge or bridges built across the new channel of said Clark's Creek, the amount or amounts so paid shall be paid back to said Catawba County Drainage Commission Number One by the county commissioners of Catawba County out of the general funds of said county."

Bridges to be paid for by county.

Expenses to be refunded if paid by drainage commission.

SEC. 2. That said chapter six hundred and thirty-five, Public Laws of one thousand nine hundred and nine, be further amended by

adding at the end thereof the following, which shall be designated as section 19 (a):

Drainage of  
tributaries.

“Sec. 19 (a). That said drainage commission, after the completion of the work upon the main channel of Clark’s Creek, are authorized and may excavate all the tributaries of Clark’s Creek that empty directly into said Clark’s Creek, but said commission shall excavate no tributary of said tributaries except Lloyd’s Branch, which empties into Maiden Creek near the town of Maiden, North Carolina, shall be excavated by said commission from the new channel of said Maiden Creek to the old channel of said creek.”

Lloyd’s branch.

SEC. 3. That chapter six hundred and thirty-five, Public Laws of one thousand nine hundred and nine, be further amended by adding at the end thereof the following, which shall be designated as section 19 (b):

Landowners to  
remove timber and  
brush.

“Sec. 19 (b). That it shall be the duty of each and every landowner along Clark’s Creek and its tributaries, within thirty (30) days after their notification by the Catawba County Drainage Commission Number One to remove all timber, brush, shrubbery, growing timber and all undergrowth growing and upon their respective lands and within fifty (50) feet of the center of any of said streams, on each and both sides thereof, and at all times keep same clean and clear of said obstructions and growth: *Provided, however,* upon failure of any landowner to remove said timber, brush, shrubbery, undergrowth or growing timber from his said lands, as herein required and within the time designated and given by said Catawba County Drainage Commission Number One, it shall be the duty of said drainage commission to employ hands and have all said obstructions removed, and the costs thereof recovered in an action by said drainage commission against the said landowner.

Proviso: removal  
by drainage com-  
mission at cost of  
owner.

“It is further provided that same shall be under the entire supervision of the drainage commission.”

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

Ratified this the 25th day of January, 1911.

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## CHAPTER 51.

### AN ACT FOR THE PROTECTION OF IMPROVED STOCK IN WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

Bulls or boars no  
to run at large.

SECTION 1. That it shall be unlawful for any bull, bulls or bull calves over six months old, boar, boars or boar pigs over four months old, to run at large in Washington County.

Misdemeanor.

SEC. 2. Any person or persons willfully allowing such bulls or boars, as described in section one of this act, to run at large in

Washington County, shall be guilty of a misdemeanor, and upon conviction fined not more than five dollars or less than one.

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 this 25th day of January, 1911.

## CHAPTER 52.

### AN ACT TO FACILITATE ROAD-BUILDING IN BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever it shall become desirable to enter upon cultivated or improved lands in any township of Brunswick County and to construct a public highway thereon by the road trustees or road commissioners, authorized and constituted by virtue of chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and eight, or by chapter four hundred and twenty of the Public Laws of one thousand nine hundred and nine, the said trustees or commissioners therein provided shall have the power and authority to acquire the right-of-way over such lands, and the right to enter and construct roads over and through such cultivated or cleared lands, by purchase from the owner or owners, upon such terms as may be agreed upon with the parties interested.

Acquisition of right of way by purchase.

SEC. 2. That in the event that an agreement can not be reached as to the purchase price for the said right-of-way the said trustees, or commissioners and the owner, may consent in writing to submit on a day certain the question to a board of appraisers, selected therein, consisting of three freeholders in such township, and the award of any two of said appraisers shall be valid and binding upon the parties.

Appraisal of price.

SEC. 3. That in the event that the said trustees or commissioners shall not be able to acquire the right-of-way desired with the consent of the owner, the said trustees or commissioners shall have the right to condemn the right-of-way over and through such cultivated or improved lands by presenting a petition, duly verified, to the clerk of the superior court of Brunswick County, praying for the appointment of commissioners of appraisal, describing the lands as near as may be, stating the length of said right-of-way desired through such lands for public purposes, giving the name of the owner, and stating that an agreement could not be reached as to the purchase price.

Power of condemnation.

SEC. 4. That upon the filing of such petition the clerk shall issue a summons as provided in special proceedings, and a copy of the summons and the petition shall be served on the defendant as in

Proceedings for condemnation.

special proceedings. At the hearing any person whose estate or interest may be affected by the proceeding may answer such petition and show cause against the prayer of the same. The clerk shall hear the proofs and allegations, and, if no sufficient cause be shown against granting the prayer of the petition, he shall make an order appointing three disinterested freeholders, who reside in the township, a board of appraisers, directing them to meet on a day certain not less than five nor more than twenty days thereafter and appraise the value of the right-of-way to the owner of the land.

Notice to appraisers.

SEC. 5. That the clerk shall notify the said appraisers by mail or in person, stating the time and the place for them to meet. The appraisers selected or appointed by the terms of this act shall, before entering upon the discharge of their duties, take and subscribe an oath that they will fairly and impartially appraise the value of the damage to the owner for the proposed right-of-way. The board may take a recess from time to time, if necessary, and shall view the premises through which the proposed road is to run, shall give a hearing to the owner and the representative of the trustees or commissioners, or the attorneys, for information upon the subject, and a majority shall determine the compensation, if any, which ought justly to be made to the owner. Special benefits by reason of the construction of the proposed road shall be deducted by the appraisers from any special damage to the land by reason of the construction of the said road. The said arbitrators, or a majority of them, shall report to the clerk within five days, under seal, which award shall be valid and binding upon the parties: *Provided*, that an appeal may be had from an award under this act to the superior court within ten days after return is made. No bond for costs shall be required of the said trustees or commissioners. If the defendant shall appeal a cost bond in the sum of two hundred dollars shall first be required as in civil actions, and in case said defendant shall fail to recover more damages for such right-of-way than is given by the said award, the entire costs of the action shall be taxed against him. In other respects the costs shall be taxed as in civil actions.

Appraisers to be sworn.

Proceedings of appraisers.

Report under seal.

Proviso: right of appeal.

Appeal bonds.

Entry on lands upon payment of award.

SEC. 6. That upon the payment of the amount of the award into court entry may be lawfully made upon such right-of-way and the proposed road constructed by the said trustees or commissioners, regardless of an appeal taken.

General law applicable.

SEC. 7. That the provisions of chapter sixty-one, sub-chapter five, of The Revisal of one thousand nine hundred and five, so far as may be applicable, and not in conflict with this act, are hereby enacted a part of this act.

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

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

Ratified this the 26th day of January, 1911.

## CHAPTER 53.

## AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of settling the indebtedness and necessary expenses of Richmond County, the board of commissioners of said county is authorized and empowered to issue bonds, bearing interest at the rate of not exceeding six per centum (6 per centum) per annum, to the amount of twenty-five thousand dollars, or so much thereof as may be necessary, in denominations of not less than one hundred nor more than one thousand dollars each, to each and every of which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January and July of each year until the said bonds shall become due; that the bonds so issued by the said board of commissioners shall be numbered consecutively, 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 shall represent and when the interest is due, and shall be receivable in payment of all county taxes.

SEC. 2. The said bonds, when issued, shall be signed by the chairman of the board of commissioners, countersigned by the clerk of the said board, and attested by the official seal of Richmond County, and upon request of any holder or holders of said bonds the clerk of the board of commissioners of Richmond County is authorized and empowered to register said bonds and make the same payable to the order of the registered holder only; and from the date of said registration, which shall be entered upon the face of the said bonds, they shall cease to be payable to bearer.

SEC. 3. No bonds issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest. Said board of commissioners is hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale they shall give notice thereof at the court-house door of Richmond County and in one or more newspapers for at least thirty days.

SEC. 4. That the clerk of the board of commissioners of the said county shall provide a record in his office in which shall be entered and kept the names of every purchaser of said bonds and the number and amount of the bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption; and bonds and coupons, when redeemed, shall be recorded as redeemed, and shall be destroyed by fire, in the presence of the board of commissioners, and a record of such destruction shall be made and dated.

Date of bonds.

SEC. 5. That said bonds shall be dated as of the first day of January, one thousand nine hundred and eleven (1911), and shall be due and payable at the expiration of thirty years from and after said date; and when said bonds are sold the coupons calling for the interest accrued between date of said bonds and the July or January nearest the date of sale of the same shall be detached.

Maturity.

Special tax for interest.

SEC. 6. 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 on said bonds, 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.

Special tax for sinking fund.

SEC. 7. That for the purpose of creating a sinking fund to pay at maturity the bonds issued under this act the commissioners of said county, at the regular time for levying other county taxes for the year one thousand nine hundred and twenty, and annually thereafter for twenty years, are hereby authorized to levy a special tax which shall be sufficient to raise a sum equal to one-twentieth of the whole amount of the bonds issued under this act, together with the costs and charges incident to said special tax, upon all subjects of county taxation in said county, as aforesaid, maintaining the constitutional equation between property and poll. The moneys raised by this special tax shall be kept separate and distinct from any other funds, and the board of commissioners of said county may use the same from time to time in purchasing, before maturity, any of the bonds outstanding issued under this act: *Provided*, they can obtain the same at a fair and reasonable price, or may deposit the said sinking fund from time to time in any banking institution or trust company in North Carolina of approved standing and solvency, at the prevailing rate of interest for such deposits, or said board may invest said funds in North Carolina State bonds or bonds of the United States.

Money to be kept separate.

Investment of sinking fund.

Collection and settlement of taxes.

SEC. 8. That the said special taxes shall be collected by the sheriff of the 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 only for the purposes for which the special taxes are levied, as set forth and provided for in sections six and seven of this act: *Provided, however*, that if there is any amount over, after all bonds herein provided for and issued, together with the interest on the same, and all costs incident to the special taxes as provided for are paid, the same shall be turned over to the public school fund of Richmond County.

Specific appropriation.

Proviso: use of surplus.

Appropriation of proceeds of bonds.

SEC. 9. That the said bonds and proceeds arising from the sale of the same shall be used by the board of commissioners for the following purposes, to wit: The payment of outstanding court-house

bonds, the payment of outstanding floating debt bonds, the payment of the floating debt contracted for the building, equipping and furnishing a county jail, the payment of the debt contracted for the building of bridges and for the payment of all other outstanding county indebtedness for necessary expenses.

SEC. 10. That the proceeds arising from the sale of said bonds shall be received and held by the treasurer of Richmond County, and paid out only upon the warrant of the board of county commissioners. Proceeds to be held by treasurer.

SEC. 11. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed. Repealing clause.

SEC. 12. The Secretary of State shall, immediately upon the ratification of this act, send a certified copy hereof to the board of commissioners of Richmond County. Secretary of State to certify copy of act.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 26th day of January, 1911.

#### CHAPTER 54.

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY AND THE BOARD OF COMMISSIONERS OF THE TOWN OF OXFORD TO MAKE APPROPRIATIONS FOR CONFEDERATE MONUMENT.

Whereas, at the last session of the General Assembly of North Carolina a bill was introduced in the House of Representatives providing for the erection of a Confederate monument in the town of Oxford, county of Granville, which said bill authorized the board of county commissioners and the board of town commissioners of Oxford to appropriate one thousand dollars each for said purpose, when the Daughters of the Confederacy should have raised a like sum of one thousand dollars; Preamble.

And, whereas, said bill passed the House and passed three readings in the Senate, but by oversight failed of ratification and did not become a law; Preamble.

And, whereas, said bill was reported in the newspapers as having been duly passed, and thereupon the Daughters of the Confederacy having raised the sum of one thousand dollars, a suitable monument was selected, purchased, erected and dedicated; Preamble.

And, whereas, there is no authority on the part of said boards to make said appropriation, though it is desired that the balance due on said monument be paid; therefore, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Granville County be authorized to appropriate the sum of one thousand dollars to pay one-third part of the cost of said Confederate monument. Appropriation by county.

Appropriation by town.

SEC. 2. That the board of commissioners of the town of Oxford be authorized to appropriate the sum of one thousand dollars to pay one-third part of the cost of said Confederate monument.

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

Ratified this the 26th day of January, 1911.

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#### CHAPTER 55.

AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER FOUR HUNDRED AND FORTY-FIVE OF PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINE, SO THAT ALL OF SAID CHAPTER SHALL APPLY TO NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

Exception stricken out.

SECTION 1. That all of section twenty-three of chapter four hundred and forty-five of the Public Laws of North Carolina of one thousand nine hundred and nine, be and the same is hereby stricken out after the word "Ratification" in said section.

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 June first, one thousand nine hundred and eleven.

Ratified this the 26th day of January, 1911.

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#### CHAPTER 56.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND THIRTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO GAME.

*The General Assembly of North Carolina do enact:*

Shipment of snipe and woodcock.

SECTION 1. That section one, of chapter eight hundred and thirty-six, of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "August" in line six thereof and inserting in the place the word "November," and by striking out the word "September" in line seven thereof and inserting in the place thereof the word "February."

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

Ratified this the 27th day of January, 1911.

## CHAPTER 57.

AN ACT TO INCREASE THE PAY OF JURORS FOR WILKES  
AND CLEVELAND COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all jurors, either talesmen or special veniremen, who shall serve as jurors of either civil or criminal causes shall be paid the sum of two dollars (\$2.00) per day and shall receive such mileage for their attendance upon said civil or criminal courts as the law now provides and allows.

Pay to persons  
serving as jurors.

SEC. 2. That all special veniremen summoned to appear at any term of the criminal courts for Wilkes and Cleveland counties or at any special term for the trial of criminal cases, who are not chosen and who did not sit as jurors in the trial of any criminal cause for the purpose of which they were summoned, shall also receive the sum of two dollars for their said service and attendance upon said court, and in addition thereto such mileage for their said attendance as the law now provides and allows, as the case of regular jurors and no more.

Special veniremen  
not serving.

SEC. 3. That this act shall apply to the counties of Wilkes and Cleveland only.

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 and effect from and after its ratification.

Ratified this the 27th day of January, 1911.

## CHAPTER 58.

AN ACT FOR THE PROTECTION OF GAME IN LINCOLN  
COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any persons, who are residents of other counties in North Carolina, that have no open season for hunting game, to hunt such game in the county of Lincoln without first having procured a license, so to hunt in said county of Lincoln: *Provided*, nothing in this act shall prevent a resident of any other county in North Carolina from hunting upon lands he may own, or have an interest in, in Lincoln County without a license.

Persons forbidden  
to hunt without  
license.

Proviso: persons  
having interest in  
lands.

SEC. 2. That the license required in section one of this act shall be issued by the clerk of the superior court of Lincoln County upon the payment of the sum of ten dollars, and shall be good only for

License issued by  
clerk of superior  
court.

License fee.

Allowance to clerk.

the open season in said county. The clerk of the superior court shall retain the sum of fifty cents for each license so issued and shall pay to the game warden for said county two and fifty one-hundredths dollars (\$2.50), and shall pay the remainder thereof into the public school fund for said county.

Remainder to school fund.

Misdemeanor.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined twenty dollars or imprisoned not exceeding thirty days.

Punishment.

Fees of game warden.

SEC. 4. That the game warden for Lincoln County shall receive the same fees for his services in the enforcement of this act as now prescribed by law for other similar services.

Repeal.

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

Application of act.

SEC. 6. That this act shall only apply to Lincoln County.

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

Ratified this the 27th day of January, 1911.

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#### CHAPTER 59.

#### AN ACT TO PROTECT THE RAINBOW TROUT IN STECOAH, SAWYER'S, TUSKEGEE AND PANTHER CREEKS IN GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Close period.

SECTION 1. That it shall be unlawful for any person to catch any rainbow or California trout in Stecoah, Sawyer's, Tuskegee and Panther creeks in Graham County before the first day of April, one thousand nine hundred and fourteen.

Putting or allowing sawdust to run in creek forbidden.

SEC. 2. That it shall be unlawful for any person, corporation or firm to put or allow any sawdust to run into any of said streams.

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

Ratified this the 27th day of January, 1911.

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#### CHAPTER 60.

#### AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO ISSUE BONDS FOR ROAD IMPROVEMENT, AND TO CONSTRUCT BRIDGES.

*The General Assembly of North Carolina do enact:*

Purpose of issue.

SECTION 1. That the board of commissioners of New Hanover County, in order to continue and complete the repairing, constructing and improving the public roads and bridges in said county, be,

and they are hereby authorized and empowered to submit to a vote of the qualified voters of New Hanover County, on such a day as may be fixed by the said board of county commissioners, after thirty (30) days' notice, during the year A. D. one thousand nine hundred and eleven, or the year one thousand nine hundred and twelve, as they may elect, the question, "Shall New Hanover County, North Carolina, issue fifty thousand dollars (\$50,000) of its bonds, with interest coupons attached, to continue and complete the repairing, constructing and improving the public roads and bridges in said county?" Said board of commissioners shall for at least thirty (30) 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.

Election authorized.

Notice of election.

Question to be submitted.  
Amount to be voted on.

Notice of election.

SEC. 2. That said election shall be held and be conducted in the same manner as 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 and challenge of voters shall be conducted in like manner as is provided for in election of the members of the General Assembly; and said commissioners may, or may not, order a new registration for said election. The vote shall be counted at the close of the polls and returned to said board of commissioners on Thursday 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 declaring of the result of said election shall be necessary.

Law governing election.

Proviso: election officers.

Registration and challenges.

New registration.

Count and return of vote.

Declaration and record of result.

SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them, "For continuing and completing the construction and improvement of the public roads and bridges of the county," or "Against the continuing and completing the construction and improvement of the public roads and bridges of the county." All qualified electors who favor the issue of said bonds shall vote "For continuing and completing the construction and improvement of the public roads and bridges of the county." All qualified voters who are opposed to the issue of said bonds shall vote "Against the continuing and completing the construction and improvement of the public roads and bridges of the county."

Ballots.

SEC. 4. In the event that the requisite majority of the qualified electors of said county shall vote "For continuing and completing the construction and improvement of the public roads and bridges in the county," at said election, and the result shall be declared and recorded as aforesaid, the board of commissioners shall have prepared and issued bonds in the denomination not exceeding one thousand dollars and not less than one hundred dollars, the total

Bonds to be issued.

Denominations.

Amount.	amount not to exceed that provided for in the first section of this
Interest.	act, and said bonds shall bear a rate of interest not exceeding five per centum per annum, with interest coupons attached, payable semi-annually, on the first days of January and July during the
Maturity.	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 board of commissioners of New Hanover County may determine; said bonds and coupons shall be
Place of payment.	payable at the Murchison National Bank, in the city of Wilmington, North Carolina; said bonds and coupons shall be signed by
Authentication.	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, and shall be styled "New Hanover Road Bonds," and issued as such.
Bonds not to be sold below par.	SEC. 5. That none of the bonds issued 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 in this act. When said bonds shall be issued they shall be numbered consecutively and the coupons attached. The bonds and coupons shall state on their face when they are due and payable, and said
Specific appropriation.	bonds shall show by what authority they are issued. The said Board of Commissioners shall have all their proceedings in respect to said bonds recorded in the minutes of their meetings, and
Record of proceedings of commissioners.	when any of same are issued, the number of the bond, its denomination, date of issue, to whom issued, and the number of the coupon attached, must be recorded in said minutes.
Record of bonds.	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
Proceeds paid to treasurer.	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 that may come into his hands by reason of this act, conditioned for his faithful safekeeping of the same, rendering accounting in respect thereto, and in all things holding, disbursing and accounting for the same as required by law, which bonds shall be received by said county commissioners as they pass upon, accept and receive other like bonds; and all orders directed to said
Separate funds and accounts.	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.
Bond of treasurer.	SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid, said board of commissioners of New Hanover County shall levy annually on the first Monday in June
Road orders.	
Special road tax.	

of each year a special road tax for said county, of not exceeding ten cents on the one hundred dollars worth of property, and not exceeding thirty cents on each poll; the subjects of taxation and levy of taxes are 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 interest on said bonds, and then to the creation of a sinking fund for redemption of said bonds, not exceeding two thousand dollars per annum, and the balance to be applied to the roads and bridges of the county, as provided for in section ten of this act.

Collection of tax.

Appropriation of proceeds.

SEC. 8. 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.

Meetings of county commissioners.

SEC. 9. 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 prosecute any necessary action for the recovery of any such road taxes against any officers failing to account for the same.

Audit and settlement of accounts.

SEC. 10. 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 and bridges in said county, in such manner as to them may be deemed most beneficial and effective, and in all other respects as provided for in the act entitled "An act to provide for the better working of the public roads and highways of the State," the same being chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine, or any other road law passed by the General Assembly of North Carolina for New Hanover County.

Use of funds.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 27th day of January, 1911.

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## CHAPTER 61.

### AN ACT FOR THE PROTECTION OF GAME IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and three, Public Laws of one thousand nine hundred and nine is hereby repealed.

Law repealed.

SEC. 2. That it shall be unlawful for any person to hunt, shoot, kill, capture or destroy any quail, partridge, pheasant, wild tur-

Open season.

key, woodcock, squirrel, fox or rabbit in the county of Warren except between the fifteenth day of November and the first day of March in each year.

Prima facie evidence.

SEC. 3. That any person found off his premises with gun and dog during the close season shall be *prima facie* evidence of such person hunting.

Close season for deer.

SEC. 4. That the close season for hunting deer shall be from the first day of February to the first day of October.

Non-residents owning land in county to hunt without license.

SEC. 5. That any nonresident owning farming lands in the said county of Warren shall be permitted to hunt in said county during the hunting season for said county without paying the nonresident license tax as is required by chapter eight hundred and forty, Public Laws of one thousand nine hundred and nine.

Punishment.

SEC. 6. That any person found guilty of violating the provisions of this act shall be fined not more than ten dollars nor imprisoned more than thirty days in jail.

Repealing clause.

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

Application.

SEC. 8. That this act shall apply only to the county of Warren.

When act effective.

SEC. 9. That this act shall be in force from and after the first day of March, one thousand nine hundred and eleven.

Ratified this the 28th day of January, 1911.

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## CHAPTER 62.

### AN ACT TO RATIFY AND CONFIRM THE INCORPORATION OF LENOIR AND BLOWING ROCK TURNPIKE COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporation under general law confirmed.

SECTION 1. That the certificate of incorporation of the Lenoir and Blowing Rock Turnpike Company issued by the Secretary of State, and dated August twenty-ninth, one thousand nine hundred and seven, be and the same is hereby fully ratified and confirmed unto the said Lenoir and Blowing Rock Turnpike Company, and all proceedings and acts thereunder and in pursuance thereof are hereby declared to be valid: *Provided*, that to article three, section "D" be added the words "by mutual agreement."

Convicts to be assigned.

SEC. 2. That the Governor is hereby empowered and authorized to cause not less than fifty, nor more than seventy-five of the State's convicts confined in the penitentiary to be worked at the expense of the State upon the said turnpike's road from the town of Lenoir in Caldwell County to Blowing Rock in Watauga County. And the State shall receive in payment for the labor of said convicts stock of the said Lenoir and Blowing Rock Turnpike Company at par, to an amount to be agreed upon by the said company and

Payment for convict labor.

Governor, if, after investigation, the Governor and Council of State shall be of the opinion that the same can be done without loss to the State. Said convicts shall be worked upon the said road until the same is completed, or until such time as said company shall notify the Governor that the company no longer desires said labor. (Not to exceed twelve months.)

Time for working convicts.

SEC. 3. That in fixing the rate of tolls over the said Lenoir and Blowing Rock Turnpike Company, the said company may discriminate in favor of vehicles having broad tires as against those having narrow tires.

Discrimination in tolls.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 28th day of January, 1911.

### CHAPTER 63.

#### AN ACT TO FIX THE COMPENSATION OF COUNTY COMMISSIONERS IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the members of the Board of Commissioners of Montgomery County shall be allowed for their services in attending the meetings of said board, and for attending committee meetings appointed by said board to transact the business of the county, and for each day's service while engaged on said committee in the transaction of county business, and for special and called meetings of said board, three dollars per diem and mileage at five cents per mile, to be charged once only at each meeting, for the distance necessarily traveled in going and coming.

Services allowed for.

Per diem and mileage.

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 this the 28th day of January, 1911.

### CHAPTER 64.

#### AN ACT TO CHANGE PAY OF JURORS IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of Caswell County are hereby authorized and directed to pay all regular jurors two dollars per diem and mileage as now provided by law.

Regular jurors.

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

Repealing clause.

SEC. 3. That this act shall be in force from and after February the first, one thousand nine hundred and eleven.

When act effective.

Ratified this the 28th day of January, 1911.

## CHAPTER 65.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SEVENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, IT BEING AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO ISSUE TOWNSHIP BONDS TO BUILD PUBLIC ROADS IN DIFFERENT TOWNSHIPS IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Tax limit.

SECTION 1. That section two of chapter seven hundred and seventy, Public Laws of one thousand nine hundred and seven, be and the same is hereby amended by striking out of said section the following words: "the total tax levied for the first five years, however, shall not exceed thirty cents on the one hundred dollars valuation of property": *Provided, however,* this act shall apply only to Black Mountain Township in Buncombe County.

Proviso: application.

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

Ratified this the 28th day of January, 1911.

## CHAPTER 66.

AN ACT TO ALLOW THE EX-SHERIFF OF IREDELL COUNTY TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact:*

Collection of arrears authorized.

SECTION 1. That W. A. Summer, ex-Sheriff of Iredell County is hereby authorized and empowered to collect taxes for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven, one thousand nine hundred and eight, under the rules and regulations that are now, or may hereafter be prescribed by law for the collection of taxes.

Years.

Persons not compelled to pay.

SEC. 2. That no person shall be compelled to pay any taxes under the provisions of this act who shall make affidavit before any one authorized to administer oaths that the same has been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act after his final settlement with the clerk of the superior court.

Term of authority.

SEC. 3. The authority given by this act shall cease on the thirty-first day of December, one thousand nine hundred and twelve.

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

Ratified this the 28th day of January, 1911.

## CHAPTER 67.

## AN ACT TO PROTECT GAME IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to shoot, Open season. kill or capture or destroy any quail, partridges, pheasants, wild turkeys in the county of Montgomery, except between the fifteenth day of December and the fifteenth day of January of each and every year.

SEC. 2. That it shall be unlawful for any person or firm to sell Sale of game forbidden. or offer for sale any of said game birds killed within said county for a period of two years after the ratification of this act.

SEC. 3. Any violation of any of the provisions of this act shall Misdemeanor. constitute a misdemeanor and shall be punishable by a fine not Punishments. exceeding fifty dollars or imprisoned in jail not exceeding thirty days.

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

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

Ratified this the 28th day of January, 1911.

## CHAPTER 68.

## AN ACT TO PRESERVE THE RECORDS OF WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Wayne Old records to be marked. County shall have the records of the superior court, of the court of equity, and of the court of pleas and quarter sessions prior to one thousand eight hundred and sixty-eight, so marked as to readily indicate of what courts they are the record, and whether appearance term, trial term or minute or execution docket, and also what term of any courts are embraced in any particular volume.

SEC. 2. It shall be the duty of said board to have all the papers Old papers to be marked. in all proceedings of said courts prior to one thousand eight hundred and sixty-eight classified and so marked that it can be easily ascertained in what court the proceedings were had and at what term the proceedings were terminated.

SEC. 3. That it shall be the duty of said board to have said papers Papers to be filed. placed in bundles of suitable size and indicated by the initial letter of the surname of the plaintiff in each case.

SEC. 4. That said work shall be done under the supervision and Committee to supervise work. direction of a committee of the Wayne County bar, consisting of three members to be appointed by said bar.

Records to be rebound.

SEC. 5. That wherever it may be necessary or it may be deemed advisable by said committee any record of said courts prior to one thousand eight hundred and sixty-eight, shall be rebound, such expense to be paid for out of the treasury of the county on the order of the board of county commissioners.

Person to perform work.

SEC. 6. That it shall be the duty of said board to employ A. B. Hollowell, Esq., to perform said work and to arrange said records and papers at a compensation not to exceed five dollars per day.

Compensation.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 28th day of January, 1911.

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### CHAPTER 69.

#### AN ACT TO CONSERVE THE CATTLE SUPPLY OF LINCOLN AND CATAWBA COUNTIES.

*The General Assembly of North Carolina do enact:*

Slaughter or sale of meat of heifers forbidden.

SECTION 1. That it shall be unlawful to slaughter any heifer or cow-calf under six months old, or to sell or expose for sale the meat of any such animal so slaughtered.

Misdemeanor. Punishment.

SEC. 2. That the violation of any provision of the foregoing section shall be a misdemeanor, and any person convicted of such violation shall be fined not more than ten dollars, or imprisoned not more than thirty days, in the discretion of the court.

Application.

SEC. 3. That this act shall apply only to the counties of Lincoln and Catawba.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 28th day of January, 1911.

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### CHAPTER 70.

#### AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE LAYING OUT AND THE WORKING OF THE PUBLIC ROADS OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Road age.

SECTION 1. That section ten of chapter three hundred and eighty-seven of the Public Laws of one thousand nine hundred and nine be and it is hereby amended by striking out in line four (4) thereof the word "fifty" and inserting in lieu thereof the words "forty-five"; and by striking out in line six (6) thereof the word "six" and inserting in lieu thereof the word "two."

Road duty.

SEC. 2. That section eleven of said chapter be and it is hereby amended by adding and inserting between the word "shall" and the word "forfeit" in line nine (9) thereof the following words: "subject to the provisions of section ten hereof." Forfeit for failure.

SEC. 3. That section fifteen of said chapter be and it is hereby amended by striking out the word "six" in line six (6) thereof and inserting in lieu thereof the word "two." Reports of road work.

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 this the 28th day of January, 1911.

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### CHAPTER 71.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWELVE,  
PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOU-  
SAND NINE HUNDRED AND NINE, IN REFERENCE TO  
HUNTING IN YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter six hundred and twelve of the Public Laws of one thousand nine hundred and nine be stricken out and the following substituted therefor, viz.: "That it shall be unlawful for any person to hunt opossums or raccoons in Yadkin County between March first and October first." Opossums and raccoons.

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

Ratified this the 28th day of January, 1911.

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### CHAPTER 72.

AN ACT TO AMEND THE GAME LAWS FOR BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter seven hundred and seven, Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out the word "squirrel" in line one and adding after said section, "And no person shall hunt, kill or shoot any squirrels between the first day of March and the first day of October." Close season.

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

Ratified this the 28th day of January, 1911.

## CHAPTER 73.

## AN ACT TO AMEND THE PUBLIC ROAD LAW FOR BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

Repair of bridges.

SECTION 1. That chapter six hundred and thirty-one, public road law of one thousand nine hundred and seven for Bertie County, be and the same is hereby amended as follows, to wit: Strike out section fourteen and insert in lieu thereof the following: "It shall be the duty of the road authorities to keep in good repair all bridges on the public road except as provided in section fifteen of said act."

Commutation paid to sheriff.

SEC. 2. That the words "county treasurer" be stricken out wherever they appear in section twenty-three of said act and the word "sheriff" be inserted in lieu thereof.

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

Ratified this the 28th day of January, 1911.

## CHAPTER 74.

## AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF WASHINGTON AND IN WASHINGTON TOWNSHIP, LONG ACRE TOWNSHIP, CHOCOWINITY TOWNSHIP AND BATH TOWNSHIP IN BEAUFORT COUNTY, AND TO PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

Special court established.

SECTION 1. A special court for the trial of petty misdemeanors committed in the city of Washington, Washington Township, Long Acre Township, Chocowinity Township and Bath Township in Beaufort County, and to be designated as the "Recorder's Court," is hereby created and established: *Provided*, that if a majority of the qualified voters of either Yatesville or North Creek precincts of Bath Township shall request the county commissioners in writing that either or both of said precincts be added to the jurisdiction of the Belhaven recorder's court, the said county commissioners are hereby authorized and empowered to add either or both of said precincts to the Belhaven district.

Proviso: Bath township.

Court of record.

SEC. 2. Said court shall be a court of record, and it shall be presided over by a recorder who shall be a qualified voter of the territory above described, and a regular practicing attorney therein, and, in his absence or sickness, by a substitute recorder who shall possess the qualifications of the recorder.

Recorder.

Substitute recorder.

SEC. 3. Said recorder and substitute recorder shall be each elected by the qualified voters of the territory above described at the first general election following the ratification of this act in the same manner and at the same time as the members of the General Assembly. The term of office of the recorder and substitute recorder elected as herein provided, shall be two years. Until said election is held the board of commissioners of Beaufort County at their first meeting after the ratification of this act shall elect, to serve until said general election, a recorder and substitute recorder and a clerk for the said court. Said recorder and substitute recorder herein provided for, shall, before entering upon the discharge of his duties, take and subscribe the oath required of judges of the superior courts before the clerk of the superior court of Beaufort County, or some other person qualified to administer oaths, which said oath shall be recorded by the clerk.

Election of recorder and substitute.

Term of office.

First election.

Election of clerk.

Recorder and substitute to qualify.

SEC. 4. The court shall hold daily sessions, (Sundays excepted) at the court-house in Beaufort County, except when the superior court of said county shall be in session, during which time the sessions of said recorder's court shall be held at such place as shall be directed by the board of commissioners of Beaufort County. The first session of said recorder's court shall be held on the first Monday morning after the ratification of this act and the election of the recorders by the board of county commissioners of Beaufort County. The Secretary of State is directed, upon the ratification of this act, to transmit a certified copy thereof to the board of commissioners of Beaufort County.

Sessions of court.

First session.

Secretary of State to furnish copy of act.

SEC. 5. Said court shall have a seal with the impression "Recorder's Court, Beaufort County," which seal shall be used in attestation of writs, warrants or other proceedings, acts or judgments of said court, whenever required, and in the same manner and to the same effect as the seal of the other courts of record in the State of North Carolina.

Seal of court.

SEC. 6. The said clerk herein provided for shall, before entering upon the discharge of his duties, take and subscribe the oath required of clerks of the superior court, before the clerk of the superior court of Beaufort County, or some other person qualified to administer oaths, which said oath shall be recorded by the clerk of the superior court of Beaufort County. He shall also give a bond in the sum of three hundred dollars with good and sufficient surety, to be approved by the board of county commissioners of Beaufort County, conditioned for the true and faithful performance of the duties of said office. He shall receive for his services the compensation as set out in section eight of this act.

Clerk to qualify.

Bond of clerk.

Compensation.

SEC. 7. The jurisdiction of said court shall be as follows:

(a) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed within the limits of the territory described in this act which are now within the jurisdiction of the

Jurisdiction of court.

justices of the peace, or which may hereafter be within the jurisdiction of the justices of the peace, and all appeals from justices of the peace courts in cases in which jurisdiction is given to this court, the said justice of the peace courts shall certify said cases to the recorder's court hereby created.

Further  
jurisdiction.

(b) Said court, in addition to the jurisdiction conferred in subsection (a) of this section, shall have final, exclusive, original jurisdiction of the following criminal offenses, to wit: carrying concealed weapons, gaming, gambling, keeping gambling tables and houses; keeping bawdy houses and disorderly houses; the larceny of and the receiving of stolen goods, knowing them to be stolen, where the property stolen does not exceed fifty dollars in value; for failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; failure to provide adequate support; cruelty to animals; malicious injury to real or personal property; trespassing on land after forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by a false pretense; disposing of mortgaged property; maintaining nuisances; all crimes against public health, as contained in The Revisal of 1905, from section 3440 to 3458, inclusive; all misdemeanors as contained in chapter 81 of The Revisal of 1905, or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year; and all crimes which at common law are misdemeanors wherein the punishment is in the discretion of the court; and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors and the punishment thereof shall be as now prescribed by law.

Jurisdiction as  
court of committal.

(c) In any other criminal matter, wherein said court has not final jurisdiction, it shall have power and it is hereby fully authorized to hear and bind over to the proper court any person charged with any crime committed within the territory described in this act, whereof the preliminary investigation is now conferred on justices of the peace, and to render such judgment in such matters as now provided by law: *Provided*, that in any case where prosecution has been commenced prior to the ratification of this act, the court in which said prosecution has been instituted shall have jurisdiction thereof. And any and all cases heard by the recorder of the court established by this act as committing magistrate against any person or persons for any offense, whereof the court herein established has no jurisdiction, in which probable cause of guilt is found, such person or persons so charged shall be bound in bond or recognizance, with sufficient surety, if the crime be bailable under the law, to appear at the next term of the superior court of Beaufort County for the trial of criminal cases; and in default of such bond

Proviso: prosecutions heretofore begun.

Committals.

or recognizance, such person or persons shall be committed to the common jail of Beaufort County to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Beaufort County to await the action of the superior court thereof.

(d) Said recorder shall have all the power and jurisdiction and authority now conferred by law upon justices of the peace or the superior court of Beaufort County to sentence any person convicted in said court of a misdemeanor, for which the punishment prescribed by law is imprisonment, to be worked on the public roads of said county, as now provided by law, and the clerk of said court shall issue commitments therefor in the same manner as now provided by law for clerks of the superior court.

Power to sentence to labor on roads.

Clerk to issue commitments.

(e) Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any criminal offenses of which said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the superior court of Beaufort county, and upon such appeal the trial in the superior court shall be *de novo* on papers certified from said recorder's court.

Recorder to issue warrants.

Right of appeal.

Trial on appeal.

(f) The said recorder's court shall have jurisdiction of any and all criminal offenses, as hereinbefore enumerated in this section, which have been committed before the ratification of this act and of which no court has taken jurisdiction.

Jurisdiction as to offenses heretofore committed.

SEC. 8. The costs of serving warrants, subpoenas and other process issued by said recorder's court shall be the same as now fixed by law, and shall be paid to the officer performing such services. The fees for issuing warrants and subpoenas for witnesses, for making up bill of costs, and for any other process or writ issued by said court, or service performed by said clerk for which a fee is now prescribed by law, shall be the same as now fixed by law for justices of the peace and clerks of the superior courts in similar cases, and the recorder shall receive one-half of all fees so collected, and the clerk shall receive one-half of all fees so collected. And, in addition, the recorder shall receive for the trial and determination of each and every case, to be taxed in the bill of costs, the following sums: For all cases of which a justice of the peace now has cognizance the sum of two dollars; for all cases of which a justice of the peace has not now cognizance but as to which cognizance is given to the recorder, the sum of three dollars, as to each defendant. And every defendant convicted and adjudged guilty, or who pleads guilty in said court, shall be taxed with the costs of the prosecution as now prescribed by law; and the clerk of said court shall collect all fines imposed by this court, and it shall be the duty of the said clerk to file with the county commissioners of Beaufort County on the first day of each month an itemized statement of all fines and costs collected by him and paid to the recorder or to himself. The

Costs.

Fees.

Division of fees.

Trial fees to recorder.

Clerk to collect fines.

Itemized statements.

treasurer of Beaufort County shall credit to the general county fund the fines above collected, which said fines shall be held by the said treasurer for the purposes now provided by law.

Service of process. SEC. 9. The warrants, subpoenas and other process issued by said recorder's court shall be directed to the sheriff or other lawful officer of Beaufort County, and service thereof shall be lawfully made when made by the sheriff of said county or any constable of said county or any police officer of any incorporated city or town embraced in the territory described in this act; or, in the absence of such officers, by any proper person specially deputed by the recorder in writing to make service; and the said warrants, subpoenas and other process of said court, when attested by the seal of said court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.

Process under seal. SEC. 10. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is a fine or imprisonment, or imprisonment and costs, the recorder shall sentence the defendant to be worked upon the public roads of Beaufort County until such sentence has been complied with, and the clerk of said court shall issue commitment of the defendant in accordance with the judgment of said court.

Road work for fines and costs. SEC. 11. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of such court shall be the same as are now prescribed for justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty, to ensuing term of the superior court of said county for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond with sufficient surety, to be fixed by said recorder, conditioned for the defendant's appearance at such court, and in default thereof the recorder shall commit such defendant to the common jail of Beaufort County until said defendant shall give bond or be otherwise discharged according to law.

Recorder to preside. SEC. 12. Said court shall also have jurisdiction to try all actions for the recovery of any fines, forfeitures or penalties imposed by law or this act, and the same shall be recovered in the name of the State of North Carolina.

Proceedings. SEC. 13. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing or trial and punishment imposed, which record shall at all times be open to and subject to inspection of the board of commissioners of Beaufort County and other persons having business relating to said court; and the board of commissioners of Beaufort County shall

Right of appeal.

Bond on appeal.

Records to be kept by clerk.

Record open for inspection.

Jurisdiction in recovery of fines and penalties.

provide a permanent docket for recording all processes issued by said court, which shall conform to the dockets kept by the clerk of the superior court, and shall also provide proper files to properly keep records of all causes which shall be disposed of in the said court and what disposition has been made of them.

Permanent docket.

Permanent files.

SEC. 14. This act shall in no manner interfere with cases which are pending in the superior court of Beaufort County or before any of the justices of the peace, and all cases so pending shall be tried and disposed of in accordance with the law as it existed at the time of the ratification of this act.

Pending cases.

SEC. 15. The recorder and substitute recorder of said court shall not, by virtue of their office as recorder and substitute recorder respectively, be prevented from practicing law in matters in which they are in no way connected by reason of said office, or in other courts of the State in matters which have not been heard or will not be heard by them as recorder. The clerk of said court shall not be deprived from holding other offices, the duties of which will not interfere with his performing the duties of said office of clerk.

Recorder and substitute may practice law.

Clerk may hold office.

SEC. 16. In the absence of the recorder, in the event of sickness or disability to hold the daily sessions of said court, the court shall be presided over by the substitute recorder, elected as herein provided, and he shall have all the powers and perform all the duties the same as the recorder. His compensation shall be the same as that received by the recorder, while acting.

Substitute in absence of recorder.

SEC. 17. The recorder, substitute recorder, or clerk of said court may be removed from office by the board of county commissioners of Beaufort County, after hearing and notice to the officer whose removal is being investigated, upon proof of immorality or incompetence and continued neglect of the duties of his office; and if either of said officers is removed the said board shall meet and elect his successor for the remainder of the unexpired term.

Removal of officers.

Election of successors.

SEC. 18. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 19. This act shall be in force from and after its ratification.

Ratified this the 28th day of January, 1911.

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## CHAPTER 75.

### AN ACT TO PROHIBIT THE DUMPING OF SAWDUST IN THE STREAMS OF MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to dump any sawdust in any of the rivers or creeks of Montgomery County.

Dumping sawdust forbidden.

- Misdemeanor.      SEC. 2. That 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 not less than ten dollars nor more than fifty dollars for each and every offense.
- Punishment.
- Separate offenses.      SEC. 3. That each day any person, firm or corporation dumps sawdust in any streams of Montgomery County shall constitute a separate and distinct offense.
- Repealing clause.      SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
- Application.      SEC. 5. That this act shall apply only to Montgomery County.
- SEC. 6. That this act shall be in force from and after its ratification.
- Ratified this the 28th day of January, 1911.

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#### CHAPTER 76.

AN ACT TO AMEND SECTION ONE THOUSAND TWO HUNDRED AND EIGHTY-THREE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, PROVIDING FOR HALF PAY OF OFFICERS AND WITNESSES BEFORE THE GRAND JURY OF MACON COUNTY WHEN NO TRUE BILL IS FOUND.

*The General Assembly of North Carolina do enact:*

- Law extended.      SECTION 1. That section one thousand two hundred and eighty-three of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding "Macon" after the word "Lenoir" and before the word "Madison" in line twelve of said section.
- SEC. 2. That this act shall be in force from and after its ratification.
- Ratified this the 28th day of January, 1911.

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#### CHAPTER 77.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE COUNTY OF HENDERSON TO PROVIDE FOR THE CONSTRUCTION OF AN IRON BRIDGE ACROSS THE FRENCH BROAD RIVER NEAR FANNING'S IN SAID COUNTY, AND A BRIDGE NEAR WHERE McCLAIN'S BRIDGE STANDS.

*The General Assembly of North Carolina do enact:*

- Construction of bridges authorized.      SECTION 1. That the board of commissioners of the county of Henderson are hereby directed to construct at once, or provide for the immediate construction of a substantial iron bridge across the French Broad river at or near where what is known as Fanning's

bridge formerly stood, and also a substantial iron bridge across the French Broad River at or near the place in said county where the McClain bridge stands.

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

Ratified this the 28th day of January, 1911.

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### CHAPTER 78.

#### AN ACT TO AUTHORIZE THE LEVY OF A SPECIAL TAX IN BRUNSWICK COUNTY.

Whereas, it is ascertained that the general levy is not sufficient Preamble.  
to pay the current expenses of the county, making a special levy necessary to meet the necessary expenses of the county government; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Brunswick Special tax author-  
ized.  
County be and they are hereby authorized and empowered to levy Rate.  
a special tax of not exceeding fifteen cents on the one hundred dol-  
lars' valuation of taxable property upon all property that is subject  
to taxation in said county for the years one thousand nine hundred  
and eleven and one thousand nine hundred and twelve, for the pur-  
pose of supplementing the general county fund, and shall be used  
in the payment of the indebtedness and current expenses of the  
said county.

SEC. 2. That the said special tax shall be levied in the same man- Levy and  
collection.  
ner and at the same time that other county taxes are levied in the  
said county, and the said tax shall be collected, and accounted for  
by the sheriff or other collecting officer, and shall be held, accounted  
for and paid out by the treasurer of the said fund, when the same  
shall come to his hands, in the same manner and under the same  
penalties that other county taxes are collected, accounted for, held  
and paid out in said county.

SEC. 3. That this act shall be in force from and after its ratifi-  
cation.

Ratified this 30th day of January, 1911.

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### CHAPTER 79.

#### AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT OF RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William C. Hammond, clerk of the superior Leave of absence.  
court of Randolph County, be and he is hereby allowed to absent  
himself from his office on any Monday except the first Monday in

Deputy.

each month, by providing a competent deputy to keep his office open and to transact the ministerial business thereof.

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

Ratified this 30th day of January, 1911.

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## CHAPTER 80.

### AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF MIDDLESEX, NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Cotton weigher to be appointed.

SECTION 1. That there shall be appointed for the town of Middlesex, Nash County, one public cotton weigher, sworn to perform his duties faithfully, whose duties shall be to weigh all cotton sold in bales in said town and make just and proper deduction for water or any other damages and to furnish scales, marking material, and such extra labor as may be necessary for the performance of such further duties as are hereinafter enumerated.

Duties.

Cotton to be weighed.

SEC. 2. That all cotton sold in bales in the town of Middlesex shall be weighed by a sworn cotton weigher, who shall give bond in the sum of five hundred dollars, to be approved by the board of commissioners of the town of Middlesex, for the faithful performance of his duties, and said weigher shall receive as full compensation for his services the sum of eight cents per bale for each bale weighed to be paid by the purchaser and to whom said weigher shall look for his fees.

Bond of weigher.

Compensation.

Term of office.

SEC. 3. That the term of office shall be two years, beginning the first day of February, one thousand nine hundred and eleven, and that his successor shall be elected at the regular biennial election in November, one thousand nine hundred and twelve, and biennially thereafter by the voters of Dry Wells Township, provided that any vacancy caused by death, resignation or otherwise may be filled by the county commissioners of Nash County upon petition of the voters of Dry Wells Township.

Election of successor.

Proviso: vacancy.

Weigher to keep records.

SEC. 4. That it shall be the duty of said cotton weigher to keep a record of the cotton belonging to different purchasers and weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform where the weighing is done, such as may be established for public convenience, and further, that it shall be his duty to keep a record of all cotton weighed by him, showing the names of seller and buyer.

Weigher's records evidence.

Records open to inspection.

SEC. 5. That the records of said officer shall be evidence in any court when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make

request to be allowed such privilege, provided he has a grievance of any kind or is in any way interested.

SEC. 6. That D. L. Chappell shall be and is hereby appointed to fill the first term of office under this act—that is to say, from February first, one thousand nine hundred and eleven, to February first, one thousand nine hundred and thirteen. Weigher named.

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

Ratified this 30th day of January, 1911.

CHAPTER 81.

AN ACT TO GRADE AND BUILD A PUBLIC ROAD FROM SOME POINT IN BRIERTOWN TOWNSHIP IN MACON COUNTY TO THE NATAHALA STATION IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the road trustees of Briertown Township in Macon County shall, within four months from the first day of March, one thousand nine hundred and eleven, proceed to locate and survey a public road from some point in Briertown Township in Macon County, to a point at or near the Nantahala station in Swain County, along and over the most practicable route. They shall procure the services of a competent surveyor to survey and locate, in connection with the board of trustees, said road from and to the points above mentioned. He shall receive for his services such compensation as may be agreed upon and be paid out of the road fund of the township. Road to be located and surveyed.  
Employment of surveyor.  
Compensation.

SEC. 2. That the county commissioners of said county are hereby authorized, empowered and directed to let out the contract of building said road either to the lowest responsible bidder or otherwise, and may pay for the same out of any money heretofore collected for road or bridge purposes, or both, under any law heretofore existing for Macon County, or out of any other available funds of the county. That the same may be paid by installments or otherwise as may be considered best by the board of commissioners. That any balance of any road fund heretofore collected under any road law of said county and not used, the same is hereby placed at the disposal of the county commissioners to be used by them in any way they may deem most advantageous. Road to be let to contract.  
Installments.  
Road fund.

SEC. 3. That the county commissioners of Swain County are hereby authorized, empowered and directed to appropriate a sum of money sufficient to build and finish said road from its terminus near the Nantahala station to the Macon County line, said appropriation, however, not to exceed the sum of two hundred and fifty dol- Appropriation from Swain County.  
Amount.

lars, to be expended under the supervision of a person to be designated by said board of county commissioners of Swain County.

Contracts.

SEC. 4. That the county commissioners of Macon County are authorized and required to make such contracts as to what per cent of the amount bid shall be paid as the building of said road progresses, and what amount shall be retained until the completion of the same.

SEC. 5. This act shall be in force from and after its ratification. Ratified this 30th day of January, 1911.

#### CHAPTER 82.

### AN ACT TO ENABLE THE COMMISSIONERS OF JACKSON COUNTY TO CONSOLIDATE AND OTHERWISE IMPROVE THE STOCK LAW BOUNDARIES IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Consolidation authorized.

SECTION 1. That the board of commissioners of Jackson County be and they are hereby authorized and empowered to consolidate any two or more or all the stock law boundaries in Jackson County, which may at any point or points be contiguous or successively contiguous, a sufficient general description of which consolidated boundary shall be recorded in the minutes of said commissioners and indexed, and for the purpose of building and maintaining a fence around such consolidated boundary to levy and collect a special assessment upon all real property, taxable by the State and county within such consolidated boundary, but no assessment shall be greater than one-fourth of one per centum on the value of the said property, and for such purpose such consolidated boundary is created and shall be a special tax district: *Provided*, that nothing herein shall have the effect to relieve any existing boundary from paying the indebtedness against it at the date of the consolidated boundary.

Boundary recorded.

Fence tax.

Tax limit.

Proviso: existing indebtedness.

Special tax for existing debt.

Limit.

Proviso: existing acts not repealed.

SEC. 2. That for the purpose of paying any debt lawfully existing against any original boundary at the date of such consolidation, the said commissioners may levy and collect an additional special assessment annually upon all real property taxable by the State and county, within the original boundary not to exceed one-fourth of one per centum on the value of said property, until such indebtedness is paid, and for such purpose the identity of the old district shall be retained as a special tax district: *Provided*, that this act shall not have the effect to repeal existing statutes authorizing a larger special levy in any of the old districts until its indebtedness is paid.

Change of line.

SEC. 3. That the said board of commissioners for the purpose of more effectually and conveniently making such consolidations shall have the power to change or straighten any line or lines around or

between any boundary or boundaries so as to get fence on better ground or render it more cheaply built and maintained; and for this purpose shall have the same power to condemn lands and fences as provided in section one thousand six hundred and eighty-six of The Revisal of one thousand nine hundred and five: *Provided*, that any tract or boundary of land which may be on the outside of the stock law boundary and which may be enclosed in whole or in part by such change and upon which there is no cultivated portion on the inside of the consolidated boundary shall not be taxed for the building or maintenance of the fence without the written consent of the landowner filed with said commissioners.

Rights-of-way.

Proviso: lands not taxed.

SEC. 4. That for the convenience of constructing or maintaining the fence around any such consolidated boundary, the said commissioners shall have the right to divide the boundary enclosing same into sections, designating same by number, and shall have the right to appoint a stock law commissioner or commissioners for each division and prescribe his duties, which appointment and powers shall be entered on their minutes, but which appointment may at any time be revoked or powers changed by the said commissioners.

Division of boundary into sections.

Stock law commissioners.

SEC. 5. That all claims for building, repairing and maintaining fences and gates around any stock law boundary in said county of Jackson, whether the same be a consolidated boundary hereunder or otherwise and whether the same be done under the supervision of a stock law commissioner 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; and 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 or consolidated boundary to which each claim is chargeable, and they and the county treasurer shall keep separate accounts with each such boundary.

Audit and approval of claims.

Record of accounts.

SEC. 6. That when any stock law boundaries in said county shall be consolidated hereunder, all persons holding unaudited claims against the old boundaries taken into the consolidated boundary shall present their claims to the said board of commissioners and have same audited within one year from the date of such consolidation.

Unaudited claims to be presented.

SEC. 7. That in other respects than herein stated, subdivision three, entitled "Stock Law" of chapter thirty-five of The Revisal, shall apply to consolidated boundaries created hereunder.

General law applicable.

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

Ratified this the 30th day of January, 1911.

## CHAPTER 83.

## AN ACT TO PREVENT THE DEPREDATION OF DOMESTIC FOWLS IN CATAWBA AND GUILFORD COUNTIES.

*The General Assembly of North Carolina do enact:*

Unlawful to permit fowls to run at large.

SECTION 1. That it shall be unlawful for any person or persons in the counties hereinafter named where the stock law prevails, to permit any turkeys, geese, ducks, chickens or other domestic fowls to run at large after being notified as in section two of this act, on any land that may be cultivated in any kind of grain or feed-stuff, or for gardens or ornamental purposes.

Misdemeanor.

SEC. 2. That any person or persons so permitting his or her fowls to run at large after three (3) days' notice to keep them up, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five dollars, or imprisoned not exceeding five (5) days.

Punishment.

Application.

SEC. 3. That this act shall apply to Catawba and Guilford counties only.

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

Ratified this the 30th day of January, 1911.

## CHAPTER 84.

## AN ACT TO VALIDATE THE ELECTION OF CERTAIN JUSTICES OF THE PEACE OF ALLEGHANY COUNTY.

Preamble.

Whereas, at the general election for the county of Alleghany on the first Tuesday in November, one thousand nine hundred and ten, the following persons were voted for and declared elected justices of the peace of said county, to wit:

Gap Civil Township.

*For Gap Civil Township*—H. M. Crouse, J. C. Roup, D. C. Reeves, W. E. Billings, J. P. Andrews and E. C. Andrews.

Prather's Creek Township.

*For Prather's Creek Township*—R. A. Price, W. E. Sturgill, H. C. Shepherd, W. F. Jones, W. H. Weaver and J. L. Smith.

Preamble.

And, whereas, doubts have arisen as to the legality of such election on account of the number of persons voted for and declared elected being greater than said townships were authorized by law to elect; therefore,

*The General Assembly of North Carolina do enact:*

Election validated. Official acts validated.

SEC. 1. That the election so held for the justices aforesaid is hereby declared valid and legal in every respect, and all their official acts heretofore done are hereby ratified.

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

Ratified this the 30th day of January, 1911.

## CHAPTER 85.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND FIFTEEN OF THE PUBLIC LAWS OF NINETEEN HUNDRED AND NINE, REGULATING THE HUNTING OF GAME IN ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1) of chapter seven hundred and fifteen of the Public Laws of one thousand nine hundred and nine be amended by striking out the word "February" in line four (4) and inserting in lieu thereof the word "March." Close season.

SEC. 2. That section two (2) of said chapter be amended by striking out all of said section after the word "court" in line three (3). Bird dogs running at large.

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

Ratified this the 31st day of January, 1911.

## CHAPTER 86.

AN ACT FOR THE BETTER PROTECTION OF THE FLAT RIVER BAPTIST ASSOCIATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That if any person shall sell any merchandise within one mile of any meeting of the Flat River Baptist Association in the counties of Granville and Person, except at a regular store or place of business, during the session of said Association, without the written consent of the presiding officer of said Association, he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: Sales during session of association.  
*Provided,* this act shall not apply to agricultural products. Misdemeanor. Punishment.

SEC. 2. This act shall be in force from and after its ratification. Proviso: agricultural products.

Ratified this the 31st day of January, 1911.

## CHAPTER 87.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CASWELL TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying the debts incurred for the erection of the jail, improving and repairing the county home and installing a fireproof vault in the county court-house, and for Purpose of tax.

building bridges, the board of commissioners for the county of Caswell are hereby authorized and empowered to levy a special tax in the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, not to exceed thirty cents on the one hundred dollars worth of taxable property in said county and ninety cents on the poll, the constitutional equation to be observed in said levies.

Years.  
Rate.

Levy and collection. SEC. 2. That the said tax shall be levied and collected in the same manner, at the time and under the same penalties that the other taxes of said county are levied and collected.

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

Ratified this the 31st day of January, 1911.

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#### CHAPTER 88.

#### AN ACT FOR THE RELIEF OF MISS LASSIE KELLY, A COURT STENOGRAPHER.

*The General Assembly of North Carolina do enact:*

Payment directed.

SECTION 1. That the county commissioners of Cherokee County are hereby authorized, empowered and directed to pay Miss Lassie Kelly the sum of forty-eight dollars and fifty cents for work done in said county as court stenographer.

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

Ratified this the 1st day of February, 1911.

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#### CHAPTER 89.

#### AN ACT TO REPEAL CHAPTER ONE HUNDRED AND EIGHTY-FOUR, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE, RELATING TO THE TIMES FOR THE MEETINGS OF THE BOARD OF COMMISSIONERS OF CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter one hundred and eighty-four, Public Laws of North Carolina for the year one thousand eight hundred and eighty-nine, be and the same is hereby repealed.

Acts of commissioners validated.

SEC. 2. That all public acts of the said board of county commissioners of Clay County done and performed since the ratification of

said chapter one hundred and eighty-four, Public Laws of one thousand eight hundred and eighty-nine, be and the same are validated, ratified and confirmed.

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

Ratified this the 1st day of February, 1911.

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### CHAPTER 90.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AMENDING SECTION FIVE OF CHAPTER EIGHT HUNDRED AND SEVENTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THROWING SAWDUST IN BIG IVEY CREEK, IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and two (102) of the Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed. Law repealed.

SEC. 2. That section five (5) of chapter eight hundred and seventy-seven (877) of the Public Laws of one thousand nine hundred and seven, be and the same is hereby amended by inserting between the words "into" and "Reems" in the fourth line of said section the words "Swannanoa River," and by adding to said section the words "or river." Sawdust in Swannanoa River.

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

Ratified this the 1st day of February, 1911.

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### CHAPTER 91.

AN ACT TO AMEND CHAPTER FOUR HUNDRED, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section six of chapter four hundred of the Public Laws of one thousand nine hundred and nine be amended by adding between the word "impaneled" and the word "and" in line four, and between the word "impaneled" and the word "there" in line five the words "where a stenographer is used in the case." Tax fee of stenographer.

SEC. 2. That this act shall apply to the county of Swain.

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

Ratified this the 2d day of February, 1911.

## CHAPTER 92.

AN ACT TO BE KNOWN AS A BILL CREATING A HOME FOR  
THE AGED AND INFIRM IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

Special tax to be levied.

Rate

Purpose.

Limit of amount.

Continuation of levy.

SECTION 1. That the commissioners of Haywood County shall at their regular meeting in June, one thousand nine hundred and eleven, it being the fifth Monday after the first Monday in May, one thousand nine hundred and eleven, levy a special tax of ten cents on the one hundred dollars worth of taxable property in Haywood County, for the purpose of erecting and equipping a modern county home for the aged and infirm of Haywood County, the location of said building to be found on the farm now owned by the said county in Pigeon Township, at or near the present location of the old building.

SEC. 2. The said expenditures not to exceed twelve thousand dollars (\$12,000) nor to be less than seven thousand five hundred dollars (\$7,500).

SEC. 3. That said levy shall be continued from time to time until sufficient funds shall be created to defray said expenditure, thereafter to be discontinued.

SEC. 4. That all laws or sections of laws conflicting with any of the provisions of this act be and are hereby repealed.

SEC. 5. This act shall be in effect from and after its ratification.  
Ratified this the 2d day of February, 1911.

## CHAPTER 93.

AN ACT TO AMEND SECTION THREE THOUSAND THREE  
HUNDRED AND SEVENTY-FOUR OF THE REVISAL OF ONE  
THOUSAND NINE HUNDRED AND FIVE OF NORTH CARO-  
LINA, RELATIVE TO HIRING ANOTHER'S SERVANT.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section thirty-three hundred and seventy-four of The Revisal of nineteen hundred and five, be and the same is hereby amended by inserting and adding to line ten of said statute the words, "and Wilkes" after the words "and Caswell."

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

Ratified this the 2d day of February, 1911.

## CHAPTER 94.

AN ACT TO AMEND SECTION ONE THOUSAND THREE HUNDRED AND SEVENTEEN OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, TO GIVE ADDITIONAL TIME OF MEETINGS TO THE COMMISSIONERS OF ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand three hundred and seven-  
teen of The Revisal of one thousand nine hundred and five of Adjourned meetings.  
North Carolina be and the same is hereby amended by striking out  
after the word "month" in line four the words, "but shall not con-  
tinue longer in session than two days," and insert the words, "and  
may adjourn from day to day or to any day in the month not exceed-  
ing four days in each month," and after the word "day" in line  
fifteen insert the words, "or to any day in the month."

SEC. 2. That this act shall apply only to the county of Ashe. Application of act.

SEC. 3. That this act shall be in force from and after its ratifi-  
cation.

Ratified this the 2d day of February, 1911.

## CHAPTER 95.

AN ACT TO LEVY A SPECIAL TAX IN ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of commissioners of Ashe County are hereby Special tax authorized.  
authorized and empowered to levy a special tax for the years one Years.  
thousand nine hundred and twelve, and one thousand nine hundred Purpose.  
and thirteen to pay principal and interest on the court-house bonds  
or for other indebtedness existing in said county when the levy is  
made. The special tax shall not exceed thirty cents on the one Rate.  
hundred dollars of property in said county and ninety cents on the  
poll, and shall be levied at the same time, and in the same manner  
as other taxes are levied on all the taxable property in said county.

SEC. 2. That said special tax, when levied, shall be collected and Collection of tax.  
accounted for as other taxes in said county, and the funds arising Specific appropriation.  
from said special tax shall not be applied to any other purposes than  
that mentioned in section one of this act.

SEC. 3. That this act shall be in force from and after its ratifi-  
cation.

Ratified this 3d day of February, 1911.

## CHAPTER 96.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO ROAD BONDS IN BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

Interest paid  
semi-annually.

SECTION 1. That section four of chapter four hundred and twenty of the Public Laws of one thousand nine hundred and nine be amended by striking out after the word "payable" in line seventeen, and before the word "and" in line nineteen, the words, "annually on the first Monday in April of each year during the running of said bonds, at the office of the treasurer of Brunswick County," and insert in lieu thereof the words, "semi-annually on the first days of May and November of each year during the running of said bonds at some banking house in New York City, to be designated at the time the bonds are executed by the board of county commissioners."

Entitlement of  
bonds.

SEC. 2. That section four of said chapter be further amended by striking out the words "public school" in line twenty-five of said section, and insert in lieu thereof the words "public road."

Tax rate.

SEC. 3. That section five of said chapter four hundred and twenty be further amended by striking out after the word "bonds" in line six and before the word "the" in line seven thereof the words, "of not exceeding ten cents on the one hundred dollars worth of property and thirty cents on each poll," and insert in lieu thereof the words, "sufficient to pay the interest that shall accrue during each year on said bonds."

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

Ratified this 3d day of February, 1911.

## CHAPTER 97.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED JANUARY THE TWENTY-EIGHTH, ONE THOUSAND NINE HUNDRED AND ELEVEN, IT BEING "AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF WASHINGTON, WASHINGTON TOWNSHIP, LONG ACRE, CHOCOWINITY AND BATH TOWNSHIPS, IN BEAUFORT COUNTY."

*The General Assembly of North Carolina do enact:*

Qualifications for  
recorder and  
substitutes.

SECTION 1. That an act ratified on the twenty-eighth day of January, one thousand nine hundred and eleven, entitled "An act to create a special criminal court in the city of Washington, Washing-

ton Township, Long Acre, Chocowinity and Bath townships, in Beaufort County, North Carolina," be and the same is hereby amended by striking out in section two, line three, the words, "and a regular practicing attorney therein," and in line six of said section the words, "who shall possess the qualifications of the recorder."

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 this 3d day of February, 1911.

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### CHAPTER 98.

#### AN ACT TO INCREASE THE PAY OF COUNTY COMMISSIONERS OF PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Pitt County shall Per diem. receive for their services as such commissioners the sum of three dollars per day, instead of two dollars per day, as is now provided by law, and shall receive five cents per mile to and from their homes Mileage. for each session they may attend of such board.

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

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

Ratified this 3d day of February, 1911.

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### CHAPTER 99.

#### AN ACT TO APPOINT JUSTICES OF THE PEACE FOR CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons be and they are Justices of peace hereby appointed justices of the peace for their respective townships to be appointed. in Craven County for a term of six years; said terms to begin the first day of February, one thousand nine hundred and eleven, or when their present terms of office expire:

*Township Number One*—G. A. Whitford, W. H. Caton, J. F. Williams and J. J. Dixon. Township No. 1.

*Township Number Three*—G. V. Richardson, J. A. Eubanks, Edward Ewell, B. B. Wooten and T. R. Lane. Township No. 2.

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

Ratified this 3d day of February, 1911.

## CHAPTER 100.

## AN ACT TO PROTECT DEER IN THE COUNTIES OF MONTGOMERY, RANDOLPH AND STANLY.

*The General Assembly of North Carolina do enact:*

Protection for five years.

SECTION 1. That for a period of five years from the ratification of this act it shall be unlawful for any person or persons to hunt, either with dog or gun, by night or by day, or in any way or manner hurt any deer in the counties of Montgomery, Randolph and Stanly.

Punishment.

SEC. 2. Any person violating the provisions of this act shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, in the discretion of the courts.

Prima facie evidence.

SEC. 3. The possession of the carcass of any deer or any part thereof shall be *prima facie* evidence that the person or persons having possession of the same has or have been the slayer or slayers thereof.

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

Ratified this the 3d day of February, 1911.

## CHAPTER 101.

## AN ACT TO AUTHORIZE THE CONSOLIDATION AND MERGER OF THE NORTH AND SOUTH CAROLINA RAILWAY COMPANY, INCORPORATED UNDER THE LAWS OF NORTH CAROLINA, WITH THE COMPANY OF THE SAME NAME INCORPORATED UNDER THE LAWS OF SOUTH CAROLINA.

Preamble.

Whereas, a corporation known as the North and South Carolina Railway Company was heretofore formed under the laws of South Carolina, by charter issued by the Secretary of State of South Carolina on November twenty-eighth, one thousand nine hundred and eight, and amended by supplement to said charter issued by said Secretary of State on February third, one thousand nine hundred and ten;

Preamble.

And, whereas, a corporation of the same name was formed under the laws of this State, by certificate of incorporation filed in the office of the Secretary of State of North Carolina on February fourth, one thousand nine hundred and ten, for the purpose of constructing, maintaining and operating a railroad from the town of Hanlet, in this State, to a point on the boundary line between this State and South Carolina, where the same connects with the line in South Carolina constructed by said corporation in that State;

And, whereas, the lines of railroad of said two corporations are in no sense parallel or competing lines, but are continuous and connected with each other, and are now operated as one line; and it is desired that said two companies be merged and consolidated into one corporation; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That said two corporations be and they are hereby authorized to merge and consolidate their respective capital stocks, franchises and property, into one corporation, to be known as the "North and South Carolina Railway Company," or by such name as may be determined in the agreement or certificate of consolidation to be filed in the office of the Secretary of State of this State, as hereinafter provided.

SEC. 2. Such consolidation or merger shall not be effected unless first authorized by a vote of the majority in interest of the outstanding capital stock of each of said companies, at meetings called and held for the purpose of determining upon such consolidation; and if authorized at such meetings, then an agreement or certificate by both of said two corporations under their common seals, reciting that said consolidation has been so authorized by the stockholders of both of said companies, and effectuating and carrying out the same, shall be filed in the office of the Secretary of State of this State; and thereafter said two companies shall be deemed and taken to be one corporation by the name of the "North and South Carolina Railway Company" or by such other name as may be specified in such agreement or certificate, possessing within this State all the rights, privileges, franchises and property, to which said two corporations or either of them were before entitled; but subject in all respects to all of the restrictions, obligations and duties to which said two corporations or either of them are subject: *Provided*, that this act shall not have the effect of ousting the jurisdiction of the courts of this State over causes of action arising within the State.

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

Ratified this the 3d day of February, 1911.

## CHAPTER 102.

### AN ACT TO PROTECT THE OPOSSUMS IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to catch, trap or kill opossums in Montgomery County between the first day of January and the first day of October in each year.

Misdemeanor.  
Punishments.

SEC. 2. 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.

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

Ratified this the 3d day of February, 1911.

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### CHAPTER 103.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHATHAM COUNTY TO CONTRACT FOR AND RECEIVE PAY FOR SPECIAL SERVICES.

*The General Assembly of North Carolina do enact:*

Committee to  
examine bridges  
and other work.

SECTION 1. That the board of commissioners of Chatham County be and it is hereby authorized and empowered to delegate and appoint one or more of its members to examine bridges built under contract or other work for the county of Chatham, or to do and perform other services for said county and to pay therefor out of the general funds of said county such sum as may appear just and right to said board in their discretion.

Payment.

SEC. 2. That any sums heretofore paid by said board for such services are hereby validated.

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 this the 4th day of February, 1911.

Previous payments  
validated.

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### CHAPTER 104.

AN ACT TO REQUIRE THE SHERIFF OF ANSON COUNTY TO PURCHASE AND KEEP BLOOD HOUNDS.

*The General Assembly of North Carolina do enact:*

Purchase and keep-  
ing of dogs required

SECTION 1. The sheriff of Anson County is hereby required to purchase and keep at the expense of said county not less than two well-trained blood hounds, to be used by him or his deputies only for the purpose of tracking escaped criminals and fugitives. The said sheriff shall provide suitable quarters for the keeping of said dogs and shall put them in charge of the jailer or other competent person, who shall not allow them to be taken from his possession except upon the order of the sheriff.

Quarters and  
keeper.

SEC. 2. That any person who shall use said dogs except for the purpose of tracking criminals and fugitives or for the proper training of them for such purpose shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, in the discretion of the court.

Use of dogs.

Misdemeanor.

Punishment.

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

Ratified this the 4th day of February, 1911.

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CHAPTER 105.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND EIGHTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO BUILDING A ROAD IN QUALLA TOWNSHIP IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words "one thousand nine hundred and nine" in lines two and six of section two of chapter five hundred and eighty-nine, Public Laws of North Carolina for one thousand nine hundred and nine, be stricken out and the words "one thousand nine hundred and eleven" substituted in lieu thereof.

Time for beginning and finishing road.

SEC. 2. That section three of said chapter be stricken out.

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

Ratified this the 7th day of February, 1911.

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CHAPTER 106.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PITT COUNTY TO ISSUE BONDS FOR THE PURPOSE OF ERECTING A COURT-HOUSE AND JAIL, AND TO LEVY A SPECIAL TAX FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST THEREOF, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of erecting a court-house and jail upon the site of the court-house and jail recently destroyed by fire, the board of commissioners of Pitt County are hereby authorized and empowered to issue the negotiable bonds of said county to an amount not exceeding seventy-five thousand (\$75,000) dollars, with coupons attached, calling for interest payable semi-annually, at a rate not to exceed five per centum per annum; said bonds shall

Purpose of bond issue.

Bond issue authorized.

Amount.

Interest.

- Date and maturity. be dated as of the first day of February, 1911, and shall be due and payable on the first day of February, 1941, without option of prior payment. The principal and interest of said bonds shall be payable at such place as said commissioners may determine.
- Bonds not to be sold below par. SEC. 2. That said bonds shall not be sold for less than their par value; and the interest coupons from and after maturity shall be received in payment of any and all taxes or other indebtedness due the said county.
- Coupons receivable for taxes. SEC. 3. That the said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board and shall have the seal of said county affixed thereto, and the interest coupons shall be signed with a lithographed facsimile of the signature of said clerk.
- Authentication. SEC. 4. That the said board of commissioners are hereby authorized to levy a special tax upon all taxable property within said county and upon polls to an amount sufficient to provide for the payment of the accruing interest upon said bonds, and to provide the sum of two thousand (\$2,000) dollars annually to be placed in a sinking fund for the retirement of the principal thereof at maturity.
- Special tax. SEC. 5. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.
- Sinking fund. SEC. 6. This act shall be enforced from and after its ratification. Ratified this the 7th day of February, 1911.

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CHAPTER 107.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN MURPHY TOWNSHIP, IN CHEROKEE COUNTY, AND TO AUTHORIZE THE ISSUANCE OF BONDS TO PAY THE EXPENSES THEREOF.

*The General Assembly of North Carolina do enact:*

- Commissioners named. SECTION 1. That W. H. Woodbury, C. E. Wood, B. M. Harbin, A. G. Deweese, M. L. Mauney and A. J. Davis, and their successors in office, are hereby incorporated under the name of the "Highway Commission of Murphy Township."
- Incorporation. Corporate name. SEC. 2. Said commission shall always consist of an equal number of members of opposite political belief, to be designated by the General Assembly as their terms expire except as hereinafter provided, and of those named W. H. Woodbury and C. E. Wood shall hold office for six years, B. M. Harbin and A. J. Davis for four years, and M. L. Mauney and A. G. Deweese for two years. Should a vacancy occur between the sittings of the Legislature by death, removal or resignation, the same shall be filled by the said commis-
- Political affiliation.
- Election of successors.
- Terms of office.
- Vacancies.

sion by choosing some one of the same political faith as was the member whose place became vacant, and such successor so chosen shall hold until his successor shall be chosen by the succeeding Legislature, and shall qualify.

SEC. 3. Said highway commission shall have the same supervision, powers and rights in respect to all the public roads in Murphy Township as has heretofore been vested in either the board of supervisors of public roads or in the board of county commissioners of Cherokee County except as such laws are modified herein. They shall have full power and authority to order the laying out of public roads, where necessary in its judgment, and to discontinue such as shall be found useless, and to alter roads so as to make them more useful. They shall also have power and authority to lay out cartways, church and mill roads, and to alter or discontinue the same in the way and manner provided in the general law, except as such laws are modified herein. And said commission shall have joint jurisdiction with the commissioners or aldermen of the town of Murphy so far as their improvement and maintenance is concerned of the four original roads or streets in Murphy, and now known as Valley River Avenue and Peachtree, Hiwassee and Tennessee streets, but not including the sidewalks.

SEC. 4. Said highway commission shall meet in the town of Murphy within ten days after their election, and shall organize by electing one of their number president, who shall preside at all the meetings of said commission; they shall also elect one of their number secretary, who shall keep a record of the proceedings of the said commission and shall deliver the same to his successor in office; they shall also elect a suitable person as treasurer of the commission, who need not be a member of said commission, and he shall enter into a bond in the penal sum of not less than double the amount of road tax of said township for the current year, which bond, upon approval by the commission, shall be recorded by the register of deeds for Cherokee County in the book of official bonds, and filed in his office. The treasurer's bond shall always be of a sufficient amount to cover the proceeds of any bond issue which may come into his hands, in addition to the tax levy for the current year. And the amount of said bond shall be subject to increase or may be diminished at any time by order of the commission for the purposes aforesaid: *Provided*, that any bank in said township may act as such treasurer, except that only such bank or banks that will pay interest on time deposits shall be designated as treasurer. If the commission should appoint an individual as treasurer, they shall have the right to require said treasurer to keep all the funds in his hands on deposit in one or more banks in the town of Murphy, and the commission may also require said depository to execute a surety bond covering such deposit in addition to the bond required of the treasurer. The premium on said depository's bond shall be paid by the bank.

Powers vested in commission.

Power to lay out, discontinue or alter roads.

Cartways, church and mill roads.

Streets in town of Murphy.

Meeting for organization.

President.

Secretary.

Treasurer.

Bond of treasurer.

Bond to be recorded.

Bond to cover bond issue.

Proviso: bank acting as treasurer.

Deposit of funds.

Bond of depository.

- Orders on road funds. SEC. 5. The treasurer of said commission shall make payments out of the road funds belonging to said township only upon the written order of the commission, signed by the president and secretary of the commission, and a strict record of each order drawn shall be kept, showing the object for which issued.
- Moneys to be paid over. SEC. 6. All road taxes for Murphy Township which are now in the hands of the county treasurer of Cherokee County and all such taxes which may hereafter be collected by the Sheriff or tax collector of Cherokee County shall be paid over to the treasurer of said commission, who shall give a receipt therefor. The sheriff and tax collector for said county shall pay over promptly all road taxes collected by him, and shall at no time retain more than one hundred dollars of said special road taxes which may come into his hands. The sheriff or tax collector shall not apply the special road taxes of Murphy Township to the payment of any other claims which may be drawn on him or the county treasurer on behalf of any other county, or for State purposes, but he shall at all times keep the road taxes collected in Murphy Township separate and pay them over to the treasurer of the commission as aforesaid. The sheriff or tax collector shall be required to settle in full with the treasurer of said commission not later than the first day of May in each and every year.
- Prompt settlement.
- Road taxes to be kept separate.
- Time of settlement.
- Election of road superintendent. SEC. 7. Said commission shall at their first meeting after election, or as soon thereafter as practicable, elect some competent, experienced and discreet person to be superintendent of all the public roads in the township. Such superintendent shall hold office during the pleasure of the commission electing him, and he shall be entitled to such compensation as may be fixed by said commission. Said commission shall also have the power to employ one or more competent road engineers, fix their compensation and prescribe their duties and the term of employment of any engineer shall be during the pleasure of the commission.
- Term of office.
- Compensation.
- Road engineers.
- Term of employment.
- Other employees.
- Purchase of supplies.
- Machinery, tools and materials.
- Drains, culverts and foot paths.
- Misdemeanor to ride on foot paths.
- Punishment.
- Control of machinery now owned.
- Convict force.
- SEC. 8. Said commission shall also have the power to employ such other persons and to purchase such supplies as in their judgment are necessary to carry this act into effect. They may purchase such machinery, tools, blasting materials, drain pipes, and lumber as may be necessary to build or repair any road, they may construct necessary drains, culverts, and foot paths and maintain the same. It shall be unlawful for any person on horseback to use any foot path constructed under the directions of the commission, and any one so offending shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined ten dollars for each offense. The board of county commissioners shall put into the custody and control of the highway commission the road-working machinery and tools heretofore bought and now owned by Murphy Township, and also turn over to the said highway commission such part of the county convict force as may not be needed

for the work of constructing and repairing the public roads of the county in other parts of the county, and the convicts while in the custody of the highway commission shall be employed in the construction and repairing of the public roads under the jurisdiction of the commission.

SEC. 9. The necessary expenses incurred by the highway commission on account of stationery, postage, attorney's fees, clerk hire and so forth, shall be paid upon their order out of the funds provided by this act.

Expenses of commission.

SEC. 10. The highway commission shall, as soon as practicable, divide the roads of Murphy Township into sections, and assign the hands liable for road service to their proper sections. All persons now liable under the general road law to road duty shall work on the same for six days in each year at the call or summons of the superintendent, or in lieu thereof shall pay one dollar for each day they may fail to work when so summoned. In case of damage to any road by storm or freshet such road hands shall be liable to do such work as may be necessary to repair the same. For the purposes of this act eight hours shall constitute a day's work. Any person willfully failing to respond to the summons of the superintendent shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined five dollars. It shall be the duty of the superintendent or foreman in charge of the road hands to file a list, verified by his oath, of all hands refusing or failing to work or pay the cash commutation in lieu thereof, with some justice of the peace; and said justice shall thereupon issue his warrants for all of said delinquents and have them brought before him for trial. All moneys collected by the superintendent in lieu of work, shall be paid by him to the treasurer of said commission, to be expended, however, upon the section of road to which persons paying the same have been assigned.

Division of roads.

Assignment of hands.

Road duty.

Commutation.

Emergency work.

Day's work.

Penalty for failure to respond to summons.

Lists to be filed with justice of the peace.

Justice to issue warrants.

Expenditure of commutation money.

SEC. 11. The superintendent of roads shall, when summoning the road hands, furnish them with all the necessary tools and see that the same are kept in good order. He shall take immediate charge of the work of repairing the road, except where more than one road crew is working at the same time, in which case any additional crews may be put in the charge of such competent foremen as may be approved by the highway commission.

Superintendent to furnish tools.

Charge of road crews.

SEC. 12. It shall be the duty of the highway commission to keep the public roads of Murphy Township in good repair, and if said commission shall willfully fail or omit to discharge any of its duties, it shall be guilty of a misdemeanor.

Duty of commission.

Failure a misdemeanor.

SEC. 13. The highway commission shall serve without compensation, except an allowance of not more than two dollars and fifty cents per day, and five cents per mile traveled may be made to each of them for each day they actually attend the sittings of the commission and each day necessarily spent in laying out, super-

Compensation of commission.

- Superintendent if member of commission.
- Macadamized roads.
- Relocation or establishment of roads.
- Entrance on land for surveys.
- Road established by approval of report.
- Land condemned for right-of-way.
- Obstruction of officers a misdemeanor.
- Punishment.
- Employment of attorney.
- Entrance on lands for material.
- Rights extended to contractors.
- vising the construction, and inspecting the repairs of the public roads of said township, unless one of their number shall be elected superintendent, in which event his compensation shall be fixed by the commission. But the superintendent, if a member of the highway commission, shall receive no pay nor allowance for mileage while acting as commissioner, in addition to his wages as superintendent.
- SEC. 14. The highway commission shall have the right and authority to macadamize or otherwise improve any road in the township. They may relocate any road in order to make it more useful, or they may establish any new public road in the manner herein-after provided. Whenever it shall appear to the highway commission that any public road ought to be improved or relocated, or that any new public road ought to be established, constructed, and improved, the highway commission shall have the right by their superintendent, engineer or other employees to enter upon the lands of any person and make such surveys as they may deem necessary to ascertain the most practicable route. On receiving the report of any such survey, together with an estimate of the cost of construction or improvement, accompanied by the engineer's profiles and such other specifications as may be desired, such report, together with the maps, profiles and specifications accompanying it, if the same have been required when considered, if approved and adopted by the highway commission, thereupon the public road or improvement described in said report shall thereby become established, and the necessary rights-of-way shall become condemned for the public use.
- SEC. 15. Any person who shall obstruct or interfere with the road superintendent or any engineer or other employee of the highway commission in making any survey as aforesaid, or who shall interfere or obstruct the road superintendent or any engineer or other employee or any contractor or their employees in the construction or improvement of any road shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars for each offense or imprisoned not more than thirty days or both, in the discretion of the court. And the highway commission may employ an attorney to prosecute any such offender.
- SEC. 16. The superintendent of roads or any other employee of the highway commission may enter upon the lands of any person and open any quarries and take away any stone, earth, gravel or timber from any place most convenient, accessible or desirable on account of the quality of the material desired, except trees planted or left for ornamental purposes. And the rights and privileges granted by this section to the employees of the highway commission shall be given to any contractor working for the commission and to any of his employees.
- SEC. 17. Any landowner feeling himself aggrieved by the reloca-

tion or construction of any new public road, or by taking of any material from his land for road construction as herein provided, may, within sixty days after such construction or improvement is completed, or such material is taken, make application to the highway commission for an assessment of damages and benefits caused by the taking of his property in the construction and improvement as aforesaid.

Application for  
assessment of  
damages.

SEC. 18. Within thirty days after the application for the assessment of damages has been made to the highway commission it shall order the sheriff or other lawful officer to summon a jury of three disinterested freeholders who shall, after having given notice to the landowner, his tenant or agent in charge, and being duly sworn, shall go upon the ground and take into consideration the damages claimed or done, as well as the benefits accruing to the said property by reason of the construction or improvement of the public road leading over the same, and the difference between the two sums shall be their verdict. If the damages awarded for a right of way shall exceed the benefits, it shall be the duty of the secretary of the highway commission to draw an order on the treasurer of Cherokee County for the amount, and the treasurer of Cherokee County shall pay said order out of the general county fund. Damages awarded for road material taken shall be paid for by the commission: *Provided, however,* that if either the highway commission or the landowner be dissatisfied with the verdict of the jury, they shall have the right of appeal to the superior court of said county.

Jury for assessment.

Payment of  
damages.

Proviso: right of  
appeal.

SEC. 19. It shall be the duty of the highway commission upon the request and with the consent of the board of aldermen of the town of Murphy to begin the work of laying macadam or other paving or metaling that may be decided upon at the center of the public square of the town of Murphy, extending the same therefrom upon the four principal roads or streets through said town, viz.: Valley River Avenue and Peachtree, Hiwassee and Tennessee streets and continuing said improvement in accordance to such grade and of such width as may be requested or approved by the board of aldermen. The width of all roads outside of the town of Murphy, together with the width of any stone or macadam laid thereon, shall be designated by the commission. In acquiring any right of way for the relocation or establishing of any public road not less than thirty feet in width shall be taken.

Beginning of work.

Width of road.

Width of right of  
way.

SEC. 20. It shall be the duty of the engineer employed by the highway commission to prepare full and complete specifications covering the improvement or construction of any road, dividing such work into convenient sections; said specifications being subject to the approval of the highway commission.

Specifications for  
work.

Sections.

Approval of  
specifications.

SEC. 21. After the approval of the specifications as aforesaid it shall be the duty of the highway commission to advertise for and

Bids advertised for.

- Work may be let to contract. receive bids for the work to be done, and they shall have the right to let the work to the lowest responsible bidder, or if no satisfactory bid is received they shall have the right to have the work done by the superintendent of roads, subject to their advice and approval from time to time.
- Bond of contractor. SEC. 22. If any such work shall be let to contract it shall be the duty of the contractor to furnish a bond conditioned upon the faithful performance of the work as specified, which bond shall be made by some solvent surety company authorized to do business in North Carolina, and the premium on said bond shall be paid by the contractor.
- Bond issue ordered. SEC. 23. That for the purpose of providing sufficient funds from time to time for the necessary expenses of the highway commission of Murphy Township, in grading, macadamizing or otherwise improving the public roads under their jurisdiction, the said commission is hereby authorized, empowered and directed to proceed at once to the issuing of coupon bonds for Murphy township for an amount sufficient to carry on the improvements aforesaid. Said bonds shall be issued in such amounts and at such times as may be directed by the highway commission: *Provided, however,* that the amount outstanding shall at no time exceed ten per centum of the assessed valuation of all taxable property in Murphy Township.
- Proviso: limit of amount. SEC. 24. Whenever a portion of the bonds herein authorized are issued, the highway commission shall cause a resolution passed by them to be spread upon their minutes, stating the amount of the bonds to be issued, the rate of interest, the time of maturity, and any other particulars in connection therewith. A certified copy of said resolution shall be transmitted to the register of deeds of Cherokee County, who shall cause the same to be recorded in the minutes of the board of county commissioners for their information and future guidance.
- Record of issuance of bonds. SEC. 25. Said bonds, when issued, shall be sold at public or private sale as may appear to the best advantage, and at not less than their par value.
- Sale of bonds. Not less than par.
- Interest. SEC. 26. Said bonds shall bear a rate of interest to be fixed by the commission not exceeding six per cent per annum, payable semi-annually, interest and principal to be paid at some bank or trust company to be selected by the commission and named in each bond and coupon.
- Denominations. SEC. 27. That said bonds shall be issued in denominations of five hundred dollars or a multiple thereof, and they shall be signed by the president of the highway commission and countersigned by the secretary thereof, and have the corporate seal of the commission affixed to each bond, and each interest coupon shall be signed by the secretary either in autograph or a printed fac simile thereof.
- Authentication. SEC. 28. That the highway commission of Murphy Township is hereby authorized and empowered to adopt and use a corporate
- Corporate seal.

seal, which seal shall remain in the custody of, and shall be used and affixed to all instruments requiring it, by the secretary of said commission.

SEC. 29. That said bonds when issued and sold shall become a valid debt of said township, and shall fall due and become payable in thirty years from the date thereof. Whenever any of the bonds authorized by this act shall be disposed of, the proceeds thereof shall be paid by the purchaser to the treasurer of the highway commission, and the proceeds thereof shall not be used for any other purpose than those authorized in this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of said funds. Said treasurer shall not be allowed any commission on the proceeds of the bonds received by him, but for paying out any amounts from said funds he shall be allowed a commission of one-half of one per cent. For receiving and disbursing the taxes collected annually to pay the interest of said bonds and for keeping in repair the public roads, the treasurer shall be allowed the usual commission now allowed to county treasurers for like services.

SEC. 30. For the purpose of paying the interest coupons on said bonds as they respectively fall due, the board of county commissioners of Cherokee County are hereby authorized and directed to levy annually at the same time as other taxes are levied, a sufficient special tax on all the taxable property and polls in Murphy township as will pay the interest on all said bonds that will fall due in each year. A sufficient rate of taxation for the purpose aforesaid, together with an amount sufficient to keep in repair the public roads in addition to the labor of the road hands thereon, shall be ascertained and recommended each year by the highway commission to the board of county commissioners of Cherokee County, but in the absence of such recommendation it is hereby made the duty of the county commissioners of Cherokee County, annually, to ascertain and levy a special tax which will be sufficient for the purposes aforesaid.

SEC. 31. The sheriff and tax collector of Cherokee County is hereby authorized and directed, annually, to collect the special taxes as aforesaid at the same time and in the same manner as other taxes are collected. And he is hereby required and directed to keep such special taxes sparate from any other funds in his hands, and to pay over and settle for the same as herein provided to the treasurer for the highway commission; or if there should be a vacancy in that office he shall pay the same over to the county treasurer for Cherokee County.

SEC. 32. The official bond of the sheriff or tax collector for Cherokee County shall be made of a sufficient amount to cover all the duties, responsibilities and liabilities incurred by him in the collection and handling of said special taxes, as set forth in this chapter and all other laws concerning the collection of taxes.

Bonds a valid debt.

Maturity.

Application of proceeds.

Proviso: duty of purchaser.

Commissions of treasurer.

Special tax.

Rate.

Collection of tax.

Taxes to be kept separate.

Bond of sheriff or tax collector.

Funds to be kept separate.

SEC. 33. It shall be the duty of the treasurer receiving the special taxes levied to pay the interest on the bonds herein authorized to keep the same separate and apart from any other funds he may have on hand, and to use the same wholly for paying off the interest coupons as they respectively mature: *Provided*, any surplus left in any one year after paying the coupons falling due in that year shall be used in improving and keeping in order the public roads in said township.

Specific appropriation.

Proviso: surplus.

Definition of terms.

SEC. 34. Wherever the word "commission" or "highway commission" is used in this chapter, it shall be held to mean and refer to the "Highway Commission of Murphy Township" as created by this chapter.

SEC. 35. All laws and parts of laws in conflict with this act are hereby declared inoperative in Murphy Township, in Cherokee County.

SEC. 36. That this act shall be in force from and after its ratification.

Ratified this 7th day of February, 1911.

CHAPTER 108.

AN ACT TO AMEND AN ACT FOR THE WORKING, LAYING OUT, REPAIRING, IMPROVING AND DRAINING OF THE PUBLIC ROADS OF BERTIE COUNTY, AS CONTAINED IN CHAPTER SIX HUNDRED AND THIRTY-ONE, PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND SEVEN.

*The General Assembly of North Carolina do enact:*

Bonds for purchase of machinery and tools.

SECTION 1. That for the purpose of purchasing such necessary material, machinery, teams, tools, wagons and other things as may be needed to carry on the work of laying out, working, repairing, improving and draining of the public roads of Bertie County as required by chapter six hundred and thirty-one, Public Laws of North Carolina, session of one thousand nine hundred and seven, the board of commissioners of Bertie County are expressly authorized and directed to issue fifteen thousand dollars of bonds of said county to bear interest at the rate of six per cent per annum, and to be paid in equal installments of one-tenth annually, commencing the first day of January, one thousand nine hundred and seventeen.

Amount.

Interest.

Denominations.

Not to be sold below par.

The said bonds shall be in denominations of not less than one hundred dollars nor more than five hundred dollars each and none of said bonds shall be sold for less than their face value and accrued interest and shall bear upon their face the provision that they were issued in accordance with this act and for road purposes.

SEC. 2. The said commissioners are authorized to sell said bonds at Sale of bonds. public or private sale as they may deem best and the entire net proceeds derived from the sale of said bonds shall be credited to the road fund of Bertie County, and paid out as provided in chapter six hundred and thirty-one, Public Laws of North Carolina, session of one thousand nine hundred and seven.

SEC. 3. That this act shall be taken and construed as an amend- Construction of act. ment to and in connection with the act above referred to.

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

Ratified this the 8th day of February, 1911.

## CHAPTER 109.

### AN ACT TO PROVIDE GOOD ROADS IN ELKIN TOWNSHIP, SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Dr. J. W. Ring, W. A. Gentry and E. M. Hamby Road commis- sioners named. be and they are hereby created, declared and constituted a road commission for Elkin Township, county of Surry. The term of Terms of office. office of the members of said commission shall be from the first day of May, one thousand nine hundred and eleven, until the next general election in November, one thousand nine hundred and twelve. All vacancies in said road commission caused by death, Vacancies. resignation or removal from the township, shall be filled by the remaining members of said commission. That said road commis- Election of succes- sors. sion shall be elected by the voters of Elkin Township at the next general election as other township officers are elected, and the election of said road commission shall take place every two years thereafter.

SEC. 2. That the said road commission shall have power and it Powers of commission. shall be their duty to establish, build and maintain such public roads in said township as shall be deemed necessary; to alter and change the location and grade of any road in said township; to discontinue any road or part thereof which they may deem unnecessary to grade, macadamize, improve with sand, clay, gravel, dirt or in any other manner any and all roads or parts of roads in said township they may deem to the best interests of the citizens of said township; to employ at reasonable compensation a supervisor for Supervisor. the public roads for said township; to employ a competent en- Engineer. gineer to assist in the location or improvement of any road in said township, to do any and all things necessary to be done for the maintenance and betterment of the public roads in said township.

Duties of supervisor.

SEC. 3. That it shall be the duty of the supervisor under the direction and control of the said road commission to direct and superintend the working, grading, altering and repairing of all public roads in said township by the several overseers appointed by the justices of the peace for that purpose, to notify such overseers when to warn their hands to work on the roads, and to be present and direct the work to be done; to see that all persons liable to road duty in said township except in the town of Elkin, work the number of days required by law if it shall be deemed necessary for the maintenance of the said roads: to recommend to the several justices of the peace in said township proper persons to be appointed overseers by them.

Recommendations for overseers.

Warning to road hands.

SEC. 4. That all overseers of the public roads in said township shall warn their hands and work such roads at such times only as the supervisor shall direct: *Provided*, that in case of storm or other unexpected cause whereby the roads may become impassable, it shall be the duty of the overseer to warn his hands and repair such road without waiting for the order of the supervisor.

Proviso: emergency work.

Entrance on land for location and material.

SEC. 5. That said road commission is hereby authorized and empowered to enter into and upon any lands in said township for the purpose of laying out any new roads or changing the location of any road, or for the purpose of getting any rock, timber, dirt, sand or gravel necessary to macadamize or improve the said roads. And if any person over whose land any road shall be constructed, altered or changed shall claim damages therefor, such person shall within thirty days after the location of such road petition said road commission for a jury to assess said damages. It shall then be the duty of said road commission within not less than twenty or more than sixty days after the completion of said road to order a jury of three disinterested freeholders of said Elkin Township, to be selected and summoned by the sheriff of Surry County, as provided by law, and the jury so selected shall give three days notice to the landowner when and where the said jury shall meet to assess the damages; and it shall be the duty of said jury in considering said damages to take into consideration any benefits to the owner of the land by said road, and if the benefits derived shall be considered equal to or greater than the damages sustained the jury shall so declare, and it shall report its findings in writing to the road commission for confirmation or revision: *Provided*, that the said claimant may appeal to the superior court of Surry County from the decision of the said road commission.

Assessment of damages.

Notice to landowner.

Report in writing.

Proviso: appeals.

Organization.

SEC. 6. That said commission shall elect one of its members chairman of said commission and shall also elect a treasurer of the road fund for said township, that the duties of the treasurer for said road fund shall be to receive and collect from the sheriff of Surry County whatever taxes levied and collected by said sheriff by virtue of a special road tax in Elkin Township; he shall disburse

Duties of treasurer.

Disbursements.

said fund only upon the order of the road commission of Elkin township.

SEC. 7. That the members of said road commission shall receive as compensation the sum of one dollar and fifty cents per diem, and necessary expenses while actively engaged in the performance of their duty. Compensation of commissioners.

SEC. 8. That for the purpose of raising funds to carry the provisions of this act into effect the board of commissioners of Surry County shall at its meeting in June, one thousand nine hundred and eleven, levy a special tax of fifteen cents on each one hundred dollars worth of property in said township, and it shall be the duty of the said board of commissioners to levy a special tax annually thereafter of fifteen cents on each one hundred dollars worth of property in said township. The tax so levied shall be collected as other taxes are collected by the sheriff of Surry County, and the sheriff of Surry County is hereby directed to turn over the taxes so collected to the treasurer of road commission of Elkin Township on or before the first day of January, one thousand nine hundred and twelve, and on or before the same date of each succeeding year. Special tax.  
Rate.

SEC. 9. That the provisions of all preceding sections of this act shall be submitted to the vote of all qualified voters of Elkin Township at an election to be held on a day designated by the board of commissioners of Surry County. For the holding of such election said commissioners of Surry County shall order a new registration of the voters of said township and shall appoint registrars and pollholders and any other officers necessary for such an election. At the close of said election said registrar and pollholders shall count and canvass the votes cast and declare the result thereof and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said county commissioners, and no other canvass, report or recording shall be necessary. Act to be submitted to election.  
New registration.  
Election officers.  
Canvass and return of votes.  
Record of return.

SEC. 10. That at the said election all the qualified voters who shall favor the levy of the special tax and the other provisions of this act shall cast ballots on which shall be written or printed, "For good roads"; those opposed to the provisions of this act shall cast ballots on which shall be written or printed, "Against good roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote for "Good roads," then said special tax shall be levied and the other duties and powers exercised as provided for in this act. Ballots.  
Law governing election.  
Effect of election.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, 1911.

## CHAPTER 110.

## AN ACT TO ALLOW THE COMMISSIONERS OF POLK COUNTY TO LEVY A SPECIAL TAX TO PAY THE OUTSTANDING INDEBTEDNESS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Special tax authorized.

Rate.

Purpose.

Time of levy.

Specific appropriation.

Collection of tax.

SECTION 1. That the commissioners of Polk County be and they are hereby authorized and empowered to levy a special tax not to exceed fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll for the special purpose of paying and discharging the outstanding indebtedness of said county incurred for necessary expenses.

SEC. 2. That said tax shall be levied at the regular meeting of said commissioners on the first Monday in June, one thousand nine hundred and eleven, and annually thereafter until said indebtedness is paid.

SEC. 3. No part of the funds arising from said tax shall be applied to any other purpose.

SEC. 4. That the said tax shall be collected and accounted for by the sheriff of said county under the same penalties and in the same manner as prescribed by law for collecting other taxes.

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

Ratified this the 8th day of February, 1911.

## CHAPTER 111.

## AN ACT TO PROVIDE FOR THE WORKING OF PUBLIC ROADS IN CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

Public roads.

County commissioners incorporated as road commissioners.

Corporate powers.

Engineer.

Road districts.

Apportionment of taxes and labor.  
Tax money to townships.

SECTION 1. That all roads that have been laid out or established by virtue of any act of assembly, or any order of court, are hereby declared public roads and the county commissioners of the county shall have supervision and control of the public roads of the county and they are hereby incorporated as road commissioners. They shall have the right to sue and be sued, plead and be impleaded in any of the counties in this State. They shall employ an engineer on all roads where necessary, to discontinue such roads as shall be found useless, and to change or alter roads so as to make them more useful. The commissioners shall meet in Hayesville the first Tuesday in May and divide up each township into three road districts and proportion the taxes and free labor as nearly equal as possible. The tax money shall be spent in the township in which it was collected.

SEC. 2. The register of deeds shall be styled ex-officio clerk of Clerk of board. said board, who shall keep all records in a book prepared for that purpose. The commissioners of said county shall at once advertise at three different places in each township and at the courthouse, giving twenty days notice, and sell out to the lowest bidder each road district in each township for the term of one year. The contractor of contractors shall at once file a good and sufficient bond in the sum of two hundred dollars for the faithful performance of his contract that he will keep the road in good repair.

SEC. 3. The commissioners shall turn over all available road funds that may be in their hands and turn over to contractor any taxes in his road district. The commissioners shall take out of the tax of each township the sum of twenty dollars to buy tools for each township. The contractor shall receipt and be responsible for all tools received by him, and at the expiration of twelve months he shall turn them back to the commissioners. The contractors shall give three days notice to all persons subject to work the roads or of road age to meet him at a certain place and time to work the public roads. Eight hours shall be a days work with free labor. The contractor is hereby authorized to enter upon any unfenced lands or improved lands unincumbered by crops near to adjoining such road, to cut and carry away timber except trees or groves planted for shade trees, to dig or cause to be dug and carry away gravel, sand or stone which may be necessary to make, improve or repair said road, doing as little injury to the land and timber as the nature of the case and the public good will permit. The drains and ditches shall be carried to the nearest water course or waste grounds.

SEC. 4. All able bodied male persons able to perform, or cause to be performed, the labor herein required between the ages of eighteen and forty-five, except persons permanent disabled in the military service of the State and exempted by the commissioners, shall be liable annually to work four days on the public road or pay the contractor three dollars. Any person who removes to another district who has performed all or a part of his work, shall produce a certificate of the same. The county commissioners of Clay County shall levy a special road tax of not less than twenty cents, nor more than thirty cents on the one hundred dollars worth of property, which tax shall be collected as other taxes are collected and paid to the county treasurer to be used on the public roads in the township in which it was collected. The contractor shall report the condition of his road to the commissioners every sixty days. The contractor shall work all free labor as near home as possible.

SEC. 5. It shall be the duty of the contractor to keep in good repair all foot logs or foot bridges. The county commissioners shall have charge of all the bridges except those across branches or

Records.  
Roads to be let to contract.  
Bond of contractor.  
Road funds to contractors.  
Purchase of tools.  
Tools to contractor.  
Notice to road hands.  
Day's work.  
Entrance on lands for materials.  
Drains and ditches.  
Road duty.  
Commutation.  
Removal to other districts.  
Road tax. Rate.  
Reports of contractors.  
Free labor.  
Foot logs and foot bridges.  
Bridges.

Receipt for work  
in lieu of tax.

ditches. Any person subject to road tax who works his tax out under the contractor, the contractor's receipt shall be good to the tax collector.

Pay of  
commissioners.

SEC. 6. The commissioners shall receive for their services not to exceed two dollars per day and for not more than four days per annum. This amount is to be in addition to the amount they now receive for their services as county commissioners. The county commissioners shall have power to have an engineer to go on or enter the lands of a guardian, owner or administrator and lay out or change any public road, and after the road is built the commissioners shall have the sheriff to summon three freeholders who, after being sworn, shall proceed to assess damages, taking into consideration the benefits as well as the damages to the property and they shall make their report to the county commissioners. If damages are found, they shall be paid out of the road tax from the township from which it was assessed.

Entrance on lands  
for location.

Assessment of  
damages.

Payment of  
damages.

Examination of  
roads.

SEC. 7. It shall be the duty of the county commissioners to appoint a competent man whose duty it shall be to look into the general conditions of the roads and report same at the next regular meeting of the board in June. The commissioners shall have the roads examined as often as they think necessary not to exceed ten days in the year, and not more than two dollars per day. The commissioners shall look well after the contractor and if he fails after thirty days notice to put the roads in good shape, then the commissioners shall sue him or his security and relet the contract, said money collected to go into the road fund.

Pay for examina-  
tion.

Delinquent  
contractors.

Applications for  
new roads and  
changes.

SEC. 8. The commissioners, upon application from the people to make new roads or to make changes, such changes as would be construed to mean a material change, it shall be their duty to employ a civil engineer to lay off said work and the commissioners are hereby empowered to instruct the said engineer to lay off said road, and after the road is built the commissioners shall order the sheriff to summon three freeholders who shall, after being sworn, proceed to assess damages and report same to said commissioners, who shall pay said damage out of any moneys in the road fund or general fund. The board of commissioners shall have power to establish, alter, or discontinue any public roads in Clay County, as heretofore provided in The Revisal of 1905.

Assessment and  
payment of  
damages.

Power of  
commissioners.

General law  
applicable.

Application of act.

SEC. 9. That so much of chapter sixty-five of the first volume of The Revisal of 1905 as does not conflict with the provisions of this act are hereby declared to be in full force in Clay County.

SEC. 10. That this act shall apply only to Clay County and shall be in force from and after its ratification.

Ratified this the 8th day of February, 1911.

## CHAPTER 112.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND NINETY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AND TO REENACT CHAPTER FOUR HUNDRED AND EIGHTY SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, AND TO AMEND THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and ninety-one of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed, and chapter four hundred and eighty-seven of the Public Laws of one thousand nine hundred and seven, be and the same is hereby reenacted with amendments thereto as hereinafter set out. That the name of the board of road supervisors as provided for in chapter four hundred and eighty-seven of the Public Laws of one thousand nine hundred and seven be and the same is hereby changed to that of the board of township trustees. The name of the supervisors of roads as provided in said chapter, be and the same is hereby changed to that of overseers. That all officers elected or appointed under said chapter three hundred and ninety-one, laws of one thousand nine hundred and nine, shall continue to discharge all the duties imposed upon the board of supervisors, and the overseers of the roads of Transylvania County with all the responsibility, pains and penalties and duties now devolving upon the various boards of township trustees and supervisors, until their successors are appointed and qualified.

Road law repealed.

Road law re-enacted.

Names of officers changed.

Officers continued.

SEC. 2. That chapter four hundred and eighty-seven of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out in section one in said chapter all after the word "township" in line twenty-one down to the end of said section.

Township tax collectors abolished.

SEC. 3. That said chapter be and the same is hereby further amended by striking out "eighteen" in line two of section two and inserting in lieu thereof the word "twenty-one," and by striking out the word "six" wherever it occurs and inserting in lieu thereof the word "five."

Road age.

Road duty.

SEC. 4. That said chapter four hundred and eighty-seven of the Public Laws of one thousand nine hundred and seven, is hereby further amended by striking out the proviso in section four of said chapter.

Township tax collectors.

SEC. 5. That said chapter be and the same is hereby further amended by striking out the word "six" in line eight in section six and inserting in lieu thereof the word "five" and by striking out the words "two dollars per day" in line eighteen of said section

Road duty.

Pay of overseer. and inserting in lieu thereof the words "one dollar and fifty cents per day."

Log, lumber, wood and tan bark haulers. SEC. 6. That said chapter four hundred and eighty-seven of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out all of section seventeen.

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

Ratified this the 8th day of February, 1911.

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### CHAPTER 113.

#### AN ACT TO CURE THE DEFECTIVE PROBATE AND REGISTRATION OF CERTAIN DEEDS.

Preamble. Whereas, many deeds executed for lands in this State appear to have been acknowledged before commissioners of affidavits (or deeds) for North Carolina, resident in the District of Columbia, and the different States, and such deeds appear to have been recorded without the certificate of the commissioner of affidavits being passed upon by some officer of this State authorized to pass upon the same, or if so passed upon the latter certificate was not recorded with the deed as required by law, and in some cases deeds have been recorded without any certificate appearing upon the record where the same are recorded, a great many of such deeds being executed prior to the year one thousand eight hundred and sixty; and in a great many cases the original deeds have been lost or misplaced so that the defective probate and registration can not be cured by a new probate and registration. And for remedy thereof:

*The General Assembly of North Carolina do enact:*

Record presumptive evidence of execution of deeds. SECTION 1. That in all cases where deeds appear to have been executed prior to January first, one thousand eight hundred and sixty-eight and appear to have been recorded in the offices of the registers of deeds in the proper counties in this State, and the same appear to have been acknowledged before commissioners of affidavits (or deeds) of North Carolina, residing in the District of Columbia or elsewhere in the different States, or appear to have been recorded without any certificate being recorded on the record of such deed or deeds, such record or records shall be presumptive evidence of the execution of such deed or deeds by the grantor or the grantors to the grantee or grantees therein named, and the record of such deed or deeds may be offered and read in evidence upon the trial or hearing of any cause in any of the courts of this State as if the same had been properly probated and recorded: *Provided, however,* that nothing herein contained shall prevent such record or records

Record may be used in evidence.

Proviso: record may be attacked for fraud.

from being attacked for fraud, and *Provided further*, that this act shall not apply to creditors or purchasers, but as to them the same shall stand as if this act had not been passed, neither shall it apply to pending suits, and shall only apply to deeds executed prior to January first, one thousand eight hundred and sixty-eight.

Proviso: limitation on application of act.

SEC. 2. That this act shall apply only to Jackson County.

Application of act.

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

Ratified this the 8th day of February 1911.

#### CHAPTER 114.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, SAID AMENDMENTS APPLYING ONLY TO IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION. 1. That chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by adding at the end thereof the following:

SEC. 2. That the board of drainage commissioners of any drainage district that is now or may hereafter be established in Iredell County are authorized at their option, either to let the contract for the drainage work to the lowest responsible bidder, as provided in chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, or to purchase or lease for the said drainage district all necessary dredging and draining machinery, appliances, tools and supplies, and to employ all necessary laborers, engineers, and other help, and to do, or have done for said district, the work necessary for the drainage of the same.

Drainage work let to contract.

SEC. 3. That the Commissioners of Iredell County are authorized, empowered and directed to remove, replace and rebuild all county bridges which may interfere with the work of cutting any channel in any drainage district in said county.

Or done by drainage commissioners.

County commissioners to remove and replace bridges.

SEC. 4. That the commissioners of Iredell County are authorized and empowered to purchase for said county one or more complete outfits of drainage machinery, tools and appliances, and may lend or lease or rent the same to any drainage district in Iredell County for such length of time and on such terms as the said commissioners shall deem just.

Purchase of outfits.

SEC. 5. Every landowner in each drainage district shall cut and remove from the channel of the ditch or stream and for a sufficient distance therefrom so as not to interfere with the operation of the drainage machinery, and the depositing of the earth excavated,

Landowners to remove standing timber.

all standing timber; and in case he shall fail to do so, after ten days' notice by the drainage commissioners, or any one of them, the drainage commissioners are authorized to have said timber cut and removed, and they shall charge the expenses of the same to said landowner, and the same shall be a lien on the land of said landowner classified in said drainage district.

SEC. 6. That this act shall apply only to Iredell County.

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

Ratified this the 8th day of February, 1911.

### CHAPTER 115.

#### AN ACT TO PROVIDE A BETTER SYSTEM FOR WORKING AND KEEPING UP OF THE ROADS OF MACON COUNTY.

*The General Assembly of North Carolina do enact:*

County commissioners to appoint road trustees.

SECTION 1. That the county commissioners of Macon County shall, on the first Monday in April, one thousand nine hundred and eleven, (1911) appoint a board of road trustees for each township in said county which board shall be composed of three good and lawful men, resident of such township. The term of office of the trustee whose name comes first in the list shall be three years, the second for two and the third for one year, and one successor of one trustee shall be appointed for each said townships on the first Monday in April, one thousand nine hundred and twelve (1912), and annually thereafter, for the term of three years and in the event of a vacancy, the said board of commissioners shall at their first meeting after such vacancy occurs fill the same.

Terms of office.

Successors.

Terms of successors.

Vacancies.

Meeting of trustees.

Organization.

Report of organization.

Further meetings.

SEC. 2. That the road trustees shall meet on the first Saturday in May, one thousand nine hundred and eleven (1911), and organize by electing one of their number chairman and one secretary-treasurer who shall forthwith report their proceedings to the board of county commissioners in writing which report shall be filed by the register of deeds in his office. That the trustees for the purpose of transacting such business as may come before them, shall meet quarterly or oftener if necessary. The secretary-treasurer shall enter into bond of not less than one hundred dollars to be approved by the chairman of the board of trustees, payable to the county of Macon, said bond to be in form substantially as follows, to-wit:

Bond of secretary-treasurer.

"We ..... as principal and ..... as surety undertake and become bound to the county of Macon in the sum of \$..... to be void if ..... shall well and truly account for and pay over all money coming into the hands of the said

bounden .....from any and all sources as he is ordered to do by the board of trustees of .....township.”

That all money coming into the hands of the supervisors, who are to be appointed as hereinafter to be provided, in lieu of labor or from any other source shall be paid over immediately by them to the secretary-treasurer unless the same is paid out by them for work or material on the roads of the township in which event an itemized and correct statement of such expenditure, the amount paid and number of days labor hired with it, and to whom paid shall be made to the board of trustees of such township, such report shall be made by said supervisors to the board at each meeting of said board. That the bond of the secretary-treasurer shall be filed with the clerk of the board of county commissioners and in case of a breach of any of the conditions of said bond or if default shall be made it is hereby made the duty of the chairman of the board of trustees to bring suit for the penalty of the said bond before some justice of the peace to enforce collection of the same without delay. That the trustees shall be exempt from labor on the public roads.

Money to be paid over to treasurer.

Statement of money expended.

Filing and enforcement of bond.

Trustees exempt from road duty.

SEC. 3. That the trustees shall carefully examine into the conditions of the public roads in their respective townships at least twice a year and shall make a report in duplicate on the condition of said public roads and present one copy of said report to the board of commissioners of said county at the May and November meeting, and shall forthwith file one copy with the clerk of the superior court of said county. Said report shall state the condition of all the public roads in the respective townships, whether in good or bad condition and the reason and causes therefor, which report shall be turned over to the solicitor by said clerk whose duty it is hereby made to prosecute by indictment before the grand jury all road officers in the said county for failure to discharge any duty herein imposed on such officers.

Examination of roads.

Report of condition.

Report turned over to solicitor.

Duty of solicitor.

SEC. 4. That the board of trustees in each township are hereby given authority upon petition to order the laying out, constructing, altering, or discontinuing of public roads that may lie wholly within their township, and in case such roads shall lie in two or more townships, then the same authority is vested exclusively in the board of county commissioners. That all roads shall be laid out and located by a jury to be appointed by the respective boards having jurisdiction of not less than three good and lawful men who shall assess such damage as the owners of the land over which such roads may run may sustain, always considering the benefits to the owners of the land in the assessment of said damage, which damage shall be a charge upon the county. The trustees shall make a certificate of such damages, showing for what allowed and how much and to whom payable, which certificate shall be filed with the clerk of the board of county commissioners who are hereby

Jurisdiction as to location of roads.

Assessment of damages.

Damages a charge on county.

Certificate and allowance of damages.

Appeals.

vested with the power to allow said damage. That the aggrieved party may appeal from the order of the board of county commissioners confirming the report of the trustees in laying out or changing any road to the superior court of the county, and also may appeal from any order of the board of township trustees to the board of county commissioners, under existing laws governing appeals.

Road districts.

SEC. 5. That the board of trustees of the several townships in said county shall, on the first day of May, one thousand nine hundred and eleven, or within ten days thereafter divide their respective townships into suitable road districts, and may at any time make such alterations as they may deem advisable and proper, and cause a brief description thereof to be made on the records kept by the secretary-treasurer of the board and also furnish each supervisor with a description of his road district or section.

Election of supervisors.

SEC. 6. That the road trustees of each township, at the meeting at which they divide their townships into road districts as aforesaid and annually thereafter, shall elect or appoint one supervisor for their townships, who shall have charge of the several road districts therein; but if in their judgment they consider it best to elect more than one supervisor in the township, they are hereby authorized and empowered to do so and assign to such supervisor such length of district as will best promote the interest of the public roads of the township. The said board is authorized and

Contracts with supervisors.

empowered to make any and all contracts with the supervisors so appointed or elected by them and shall fix the amount to be paid

Direction of work.

them and direct the supervisors as to manner of work with reference to the permanent improvement of the roads, length of time to work and number of hours per day. That the road trustees shall

Supervisor to give bond.

cause each supervisor to make, execute and deliver to them a bond payable to the county of Macon which bond shall be in form substantially as follows and in a sum not less than one hundred dollars, to wit:

Form of bond.

"We .....as principal and .....as surety undertake and become bound to the county of Macon in the sum of \$.....to be void if the above bounden .....supervisor of roads shall well and truly discharge all and singular the duties assigned him and shall return his section of road in good condition at the expiration of his term of office and shall faithfully account for all money coming into his hands from any source."

Supervisors to put roads in good condition.

SEC. 7. It is hereby made the duty of the several supervisors as soon as possible after their appointment to proceed to put the roads in their districts in good condition by the proper use of such tools, machinery and other means placed in their hands by the county

Prosecution of defaults and penalties.

commissioners and the road trustees and all defaults of any supervisor or penalties incurred shall be prosecuted in the same manner provided in this act for the collection of penalties incurred by the

secretary-treasurer of the board of trustees. That it is also herein made the duty of the road trustees to confer with and to direct the supervisors as to the best methods of constructing and permanently improving the public roads. The said supervisors shall, at each quarterly meeting of the board, and oftener if directed by said board, made a correct and true report of the condition of the roads under the charge of such supervisor, the character of the work and the extent of the same, the number of days labor and by whom, the name of each person who has paid cash in lieu of labor and the amount paid and if the same or any part of the money has been paid out, to whom paid and how much and for what purpose. That for neglect or failure on the part of any supervisor to comply with this section he shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

Trustees to direct supervisors.

Reports of supervisors.

Neglect of duty a misdemeanor.

Punishment.

SEC. 8. That all able bodied male persons able to perform the labor herein required, between the ages of twenty-one (21) and forty-five years (45), shall be liable to do and perform annually four (4) days labor on the public roads under the direction of the supervisor of the road district in which he resides: *Provided*, that if any person being warned as hereinafter provided, shall, at the time of being warned or within two days thereafter, pay to the supervisor the sum of two dollars in lieu of said four days labor the same shall be received in full satisfaction of such labor.

Road age.

Road duty.

Proviso: commutation.

SEC. 9. That it shall be the duty of every supervisor to order out every such person resident as aforesaid between the first day of March and the first day of December annually to do and perform the work aforesaid on the public roads within the district, and if any such resident being personally warned by the supervisor or by leaving a written notice at his usual place of abode, shall refuse, having had two days notice, to attend by himself or any able bodied substitute acceptable to the supervisor, or shall attend and spend his time in idleness or inattention to the work assigned him, every such delinquent shall be guilty of a misdemeanor and fined not exceeding ten dollars, and full power and authority are herein conferred upon the justice of the peace trying the case to order said delinquent to work on the public roads of his district till such fine and cost are paid.

Supervisor to warn out hands.

Failure to attend and work a misdemeanor.

Punishment.

Work in payment of fine and cost.

SEC. 10. That in case any person subject to road duty shall remove from one district to another in the county who has, prior to such removal, worked the required number of days on the roads of the township from which he has removed or paid the amount in lieu of such labor required of him by this act, he shall be released upon producing a receipt for the same for the amount therein specified.

Removal from district.

SEC. 10. That the county commissioners of Macon County are hereby authorized and directed to levy at the June session of their board in the year one thousand nine hundred and eleven (1911),

Special road tax.

Rate.	and each year thereafter, a special road tax not less than twenty-five cents on the one hundred dollars worth of property and not over forty cents, and shall cause the same to be placed on the list for the current year to be included in and collected in the annual taxes. That it shall be the duty of the several boards of trustees of the county to confer and make recommendations to the county commissioners as to the amount of tax needed or required in their respective townships for the proper construction, maintenance and improvements of the public roads and foot bridges in their townships for the current year and upon such recommendation, the county commissioners, in the exercise of their discretion, may at any time levy an additional tax upon all the property of the townships in an amount not to exceed the limitation herein set out.
Trustees to recommend tax.	
Additional tax.	
Taxes kept separate	SEC. 12. That the tax levied and collected under this act shall be kept by the sheriff or tax collector in a separate item from all other taxes on the tax list and appear on a separate item on the tax receipt. The money collected under the provisions of this act upon the property of each township shall be placed to the credit of the same, and shall be paid out for the making and keeping in repair of the roads and foot bridges of the township in which the same was collected.
Money to be spent in township paying same.	
Payments from road fund.	SEC. 13. All tax money paid out to any one for any purpose under this act shall be paid out by the sheriff or tax collector upon the order of the board of county commissioners, and no order for the payment of any money out of the road tax fund shall be given or made by the county commissioners unless the account has been approved in writing by the board of township road trustees, and signed by the chairman of said board: <i>Provided, however,</i> the county commissioners are authorized to purchase, without the approval of the trustees, tools, blasting implements and all necessary road machinery and pay for the same either out of the money belonging to the road fund of the township in which such tools, etc., are used or out of any fund of the county which may be available.
Approval of road orders.	
Proviso: purchase of tools and material.	
Employment of engineer.	That the employment of an engineer at a price to be arranged by the township board of road trustees and his services in surveying, grading or locating any public road is hereby made a legitimate and necessary expense under this act and for his services he shall be paid in the same manner as the several supervisors of the county are paid. It is hereby made the duty of the several supervisors to provide for the care and safe keeping of all tools, blasting material and any other road machinery used, or to be used on their districts and they are responsible for the safe keeping of the same.
Care of tools, material and machinery.	
Jurisdiction as to bridges.	SEC. 14. That the county commissioners of said county shall have supervision and control of the bridges, the location of new ones, the construction and repair of the same and shall make any and all contracts relative thereto and pay for same out of any available county funds as heretofore provided. Or if said commissioners

deem it necessary, they may levy a special tax in addition to the township levy heretofore in this act provided for not to exceed ten cents on the one hundred dollars worth of property nor thirty cents on the poll to be collected and used for bridge purposes. In the levying of the tax under this section the constitutional equation between property and poll shall be observed.

Special tax for bridges.

Rate.

Constitutional equation.

SEC. 15. That any lumber company, corporation, person or persons engaged in the lumber business and desiring to use any of the public roads of any of the townships of Macon County for the purpose of carrying on its or their business of hauling either by its or themselves, or by hiring or contracting with other persons, mill logs, lumber or other heavy material with log wagons, log carts or other heavy vehicles, shall pay a license or privilege tax of two (2) cents per mile on each one thousand feet of mill logs, lumber or other heavy material so hauled, said tax being payable to the secretary-treasurer of the road trustees in the township in which said hauling is done, and it shall be the duty of any lumber company, corporation, person or persons engaged in the lumber business as hereinbefore set out to make a monthly report to the road trustees of each township in which it or they are engaged in said business, said report to be made on the first Monday of each month of the number of feet of all lumber, logs and other heavy material so hauled during the preceding month. Said report shall accurately state the number of feet of lumber, logs, etc., and be itemized and sworn to. That any lumber company, corporation, person or persons so engaged in the lumber business failing to make such report, or failing to make the same accurately and truthfully, or failing to pay the said license or privilege tax hereinbefore set out shall be guilty of a misdemeanor and fined fifty dollars for each and every offense. The failure to make such report and pay said privilege or license tax each month shall constitute a separate offense. In addition to the fine herein provided for such lumber company, corporation, person or persons shall likewise forfeit the sum of ten dollars for each day that said report is neglected to be made after the time specified in which the same shall be done. That said forfeiture shall be collected by proper proceedings instituted in a court of some justice of the peace for said county against such delinquent by the chairman of the board of township trustees, and all moneys collected under this section shall be applied for the improvement of the roads in the township in which the same is collected.

Privilege tax on lumbermen and loggers.

Reports of lumbermen and loggers.

Failure to report accurately a misdemeanor.

Punishment.

Separate offenses.

Further penalty.

Collection of forfeitures.

SEC. 16. That chapter sixty-five of The Revisal of one thousand nine hundred and five be and the same is hereby made applicable to Macon County only in so far as the same does not conflict with this act.

General law applicable.

SEC. 17. That each member of the board of county commissioners of Macon County shall receive as compensation for the addi-

Compensation of county commissioners and trustees.

tional burden imposed on them by this act the sum of twelve dollars per year to be paid monthly in the same manner in which their salary is now paid, and each member of the township board of trustees shall receive for his services the sum of six dollars per year.

Law repealed.

SEC. 18. That chapter two hundred and fourteen of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed: *Provided*, all the road officers created by that act shall continue to discharge all the duties imposed on them under said act, with all the pains, penalties and responsibilities in case any money shall remain in the hands of any road official mentioned in said act on the first Saturday in May, one thousand nine hundred and eleven, the same shall be turned over to the sheriff of the county and placed by him to the credit of the township in which the same was collected. The secretary-treasurer of each township shall at the same time render an account stating how much money came into his hands and how the same was paid out and for what purpose.

Proviso: road officers continued.

Money to be paid over.

Accounts to be filed.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, 1911.

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CHAPTER 116.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

Election to be ordered on petition of voters.

SECTION 1. That for the purpose of rebuilding, relocating, grading, improving, working and maintaining the public roads of Madison County, it shall be the duty of the board of county commissioners of the said county, at any regular or special meeting, upon the petition of one-third of the voters of any township thereof asking for an election to be held, in and for said township, for the purpose of voting for a bond issue for public road improvement, said issue to be of such an amount as stated in the petition, not to exceed forty thousand dollars, to bear interest at not more than five per cent, and to run not more than fifty years, to call an election for such township, to be held at the polling place or places already established, at such time as may be designated, at which election shall be submitted to the qualified voters of such township the proposition to improve the public roads by issuing bonds and levying taxes to pay the principal and interest at maturity.

Amount of issue.  
Interest.  
Maturity.

Advertisement of election.

SEC. 2. That at the time of ordering such an election referred to in section one of this act, the said board of commissioners shall

cause advertisement thereof to be made for not less than thirty days in some newspaper published in said county, setting forth the date and purpose of said election, and in the event a special election is ordered, as herein provided for, the board of commissioners shall appoint a registrar and two pollholders for each election precinct in such township, who shall make due return of such election to the said board of commissioners, by whom such returns shall be canvassed and ordered recorded in the record of elections of said county. At said election the electors favoring such bonds shall vote a ballot on which shall be either written or printed the words, "For Bonds," and those who oppose such bonds shall vote a ballot on which shall be either written or printed the words, "Against Bonds." In all other respects such elections shall be conducted under the general election law, in so far as its provisions shall apply in similar cases. At which election the registration books used at the general election of one thousand nine hundred and ten, or any election thereafter, may be used.

Election officers.

Canvass and record of returns.

Ballots.

Law governing elections.

Registration books.

SEC. 3. That the said board of county commissioners shall have prepared and shall issue and sell to the best advantage, on behalf of those townships wherein a majority of the qualified voters shall have voted for bonds, as herein provided, the amount of the bonds voted at such election. Said bonds shall be of such denomination and shall be payable at such time and place and to run for such time and to bear interest, payable annually, as herein provided for, to every one of which shall be attached coupons representing the interest, to be payable at such time and place as the bonds shall be payable. Said bonds shall be signed by the chairman of the board of county commissioners and attested by the clerk of the said board, and shall be styled "Bonds for the improvement of the public roads for . . . . . Township," and shall be issued as such, and the liability of the payment thereof shall be attached to and be imposed upon that division of the said county known as the township designated and as constituted at the time of the election herein provided for, and the said board of commissioners shall not issue bonds for any township wherein a majority of the qualified electors vote against bonds.

Issue and sale of bonds.

Denominations.

Authentication.

Style of bonds.

Liability for payment.

SEC. 4. That for the purpose of paying the principal of the bonds issued and sold under this act, and interest thereon as the same shall mature and become due and payable, the said board of county commissioners are authorized and it shall be their duty to annually levy and collect a special tax sufficient for the aforesaid purpose, at the same time and in the same manner as other county taxes are levied and collected, upon all real and personal property and polls of each township wherein said bonds shall have been issued, observing the constitutional equation between property and polls.

Special tax.

Constitutional equation.

SEC. 5. That at the election herein provided for bonds the qualified voters of such township shall vote for three men, resident free-

Election of road supervisors.

Duty of road supervisors.	holders in such township, to be known as road supervisors, and shall vote a written or printed ballot with the words "For road supervisor.....," whose duty it shall be, provided a majority of the qualified voters shall vote for bonds, to lay out said road as to them may seem most advantageous to the public, and to have generally the supervision of laying out, grading and improving said roads. Said road supervisors shall have power to employ a superintendent, whose duty it shall be to oversee the construction of said roads, and to pay such superintendent reasonable compensation for his services. Said road supervisors shall receive as compensation for their services the sum of two dollars per day, to be limited, however, to twenty-five days out of the year. Said road supervisors shall hold their offices for a term of two years or until their successors are duly elected and qualified.
Employment of superintendent. Duty and compensation. Compensation of supervisors.	
Term of office.	
Itemized accounts filed quarterly.	SEC. 6. That it shall be the duty of the road supervisors who shall be elected as hereinbefore provided for to submit to the board of county commissioners every three months after their election an itemized account of all funds by them expended, and the same shall be entered in the record of settlements of other county officers. Said accounts shall be signed by at least two of the road supervisors and shall state the various amounts, to whom and for what purpose expended. Said supervisors shall pay the register of deeds for entering such accounts out of the township bond money.
Pay of register of deeds.	
Supervisors to qualify.	SEC. 7. That before entering upon their duties the board of road supervisors elected as herein provided for shall take, subscribe and file with the clerk of superior court of Madison County an oath for the faithful and honest performance of their duties, and shall within three days thereafter meet and organize by electing one of their number as chairman and one as secretary, and in all their meetings a majority vote shall control.
To meet and organize.	
Orders for road expenses.	SEC. 8. That for the purpose of paying for the work of locating, relocating and establishing the said roads the board of road supervisors shall have power to draw orders or warrants on the county treasurer, and the said county treasurer is hereby authorized and required to pay for the same out of the road funds in his hands belonging to the township from which said order or warrant comes: <i>Provided</i> , that warrants or orders shall only be paid when signed by the chairman and attested by the secretary of said board of road supervisors.
Payment of orders.	
Proviso: authentication of orders.	
Proceedings for ascertainment of damages.	SEC. 9. That when any person or persons on whose land a new road or part of a road is to be located, widened, changed or extended, claims damages therefor in excess of what the township supervisors may deem just and offer to pay, and shall within thirty days petition said township road supervisors for a jury to assess the damages, the said supervisors shall, within not less than fifteen nor more than thirty days after the completion of the said road, order a jury of five freeholders who are residents of said township,

none of whom shall be related to the person claiming damages, to be summoned by the sheriff of the county or constable of the townships, on the notice issued by the board of road supervisors, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the said supervisors; that said jury, in considering the question of damages, shall take into consideration the benefits to the owner of the lands by such roads or change of the same, and if the said benefits be considered equal to the damages sustained, the jury shall so declare; but if the damage exceeds the benefits they shall declare the amount thereof. The officer making the service shall serve a copy of the summons on each freeholder summoned as juror. The damages, if any are awarded, shall be paid out of the road funds of said township by order of the road supervisors of said township. In case either party interested be dissatisfied with the finding of the jurors, such party may appeal to the superior court of Madison County, and an appeal taken by either party may be taken without bond, and the same shall be heard *de novo*; but the judge may in his discretion require either party to give bond after the appeal is docketed in the superior court.

Payment of damages.

Appeals.

SEC. 10. That said road taxes shall be collected by the sheriff of Madison County under the same regulations and penalties and punishments as the laws of the State now provide for the collection of the taxes of the county for general county purposes, and paid into the office of county treasurer of said county of Madison, and it shall be the duty of the county commissioners of said county to institute action thereon, against the sheriff and his bondsman, in case of a breach of the same, and on behalf of the said damaged township.

Collection and settlement of road taxes.

Action on sheriff's bond.

SEC. 11. That the county treasurer of Madison County shall be governed according to law in receiving any paying out said funds.

Duty of county treasurer.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, 1911.

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## CHAPTER 117.

### AN ACT TO CREATE GLENWOOD TOWNSHIP, IN McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Glenwood Township, in McDowell County, be and the same is hereby created, with all the rights, powers and privileges enjoyed by the various townships of the county of McDowell, and subject to the laws now in existence or such as may

Township created.

Boundary.

hereafter be enacted governing the townships of the State, and bounded as follows, viz: Beginning at the Ball Alley and running with the top of Rust Mountain to the Lonesome Pine; then to the mouth of Stanford's Creek; thence up the creek to the head of Stanford's Creek; thence to E. G. Goforth's Mountain place; thence to and including G. H. Gardin's farm; thence to John England's, including John England's; thence to and including Mills Hicks' place; thence to the Two-inch Gap; thence to John H. Morris, including his place; thence to the top of the Chestnut Mountain at the Bracket's Township line; thence with the line of Bracket's Township to the Ball Alley, the beginning.

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

Ratified this the 9th day of February, 1911.

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#### CHAPTER 118.

AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, INCREASING THE COMPENSATION ALLOWED THE COMMISSIONERS OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and eighty-five of The Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by adding at the end of said section the following: "The commissioners of Cumberland County shall receive as compensation for their services three dollars (\$3) per day for attending regular or special meetings of the board, not to exceed three days in any one month; and three dollars (\$3) per day for any extra services rendered the county on committees or otherwise when ordered or approved by the board, not to exceed two days to each commissioner in any one month; and mileage as now allowed by law, for attending meetings, or performing extra service, as aforesaid.

Per diem.

Per diem for extra service.

Mileage.

Additional compensation to chairman.

SEC. 2. That said board may, in its discretion, pay to its chairman such additional compensation for extra services rendered by him by virtue of his office as said board may deem just and proper, considering the extra services performed, not to exceed one hundred dollars annually.

SEC. 3. That all laws and parts 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 this the 9th day of February, 1911.

## CHAPTER 119.

## AN ACT TO DIVIDE THE BOARD OF COUNTY COMMISSIONERS OF ALLEGHANY COUNTY INTO TWO CLASSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general election to be held in the year one thousand nine hundred and twelve, there shall be elected in the county of Alleghany by the duly qualified voters thereof three members of the board of county commissioners of said county divided into two classes, two of whom shall compose one class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire at the end of two years thereafter, or on the first Monday in December, one thousand nine hundred and fourteen, and one of whom shall compose another class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire four years thereafter, or on the first Monday in December, one thousand nine hundred and sixteen. That upon the expiration of the term of office of each class of said commissioners their successors shall be elected for four years and hold office for that term and until their successors are elected and qualified.

Commissioners to be elected in classes.

Two-years term.

Four-years term.

Term of successors.

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

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

Ratified this the 9th day of February, 1911.

## CHAPTER 120.

## AN ACT TO PROHIBIT THE FISHING OF CERTAIN NETS IN THE WATERS OF BLOUNT'S CREEK, IN BEAUFORT COUNTY.

*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 drag net or slash net in the waters of Blount's Creek or its tributaries.

Drag nets and slash nets forbidden

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days for each offense.

Misdemeanor.

Punishment.

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

Ratified this the 9th day of February, 1911.

## CHAPTER 121.

AN ACT TO PROTECT TROUT FISH IN TABOR'S MILL CREEK,  
SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Protection for four  
years.

SECTION 1. That it shall be unlawful for any person or persons to catch or kill any kind of trout fish in Tabor's Mill Creek in Swain County for a period of four years.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court.

Punishment.

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

Ratified this the 9th day of February, 1911.

## CHAPTER 122.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFF  
OR CONSTABLE AT FRANKLINVILLE, IN RANDOLPH  
COUNTY, AND TO PROTECT PROPERTY AND PRESERVE  
PEACE OF SAID VILLAGE.

*The General Assembly of North Carolina do enact:*

Powers conferred.

SECTION 1. That whenever it shall be necessary for the preservation of the public peace, good order and decency, or the protection of life, liberty, persons or property in the village of Franklinville, situate in Randolph County, or in one-half mile of the cotton mills erected in said village, the constable or deputy sheriff appointed by the sheriff of Randolph County, living and residing in said village, shall have power and authority and it shall be the duty of said deputy sheriff to arrest the body of parties who of his own knowledge and in his presence are violating the law in Randolph County in one-half mile of said cotton mills without warrant, and take such person or persons before some justice of the peace residing in Franklinville Township, when and where formal complaint shall be made against such offender as is prescribed by law, to the end that such persons may have a speedy trial and be dealt with as the law directs; and in the meantime and until the case of such person or persons charged with having violated the law shall be tried and disposed of by the justice of the peace such person or persons may be held in custody by said officer or by one or more persons deputized by said officer to hold in custody the said offender or offenders, unless bail shall be given as is provided by law. That it shall be the duty of

Justice having  
jurisdiction.

Custody pending  
trial.

Deputy to suppress  
disturbance.

said deputy sheriff to suppress all disturbance of the quiet and good order in said village, and to prevent as far as possible all injury to property in said village, and if the deputy sheriff shall be resisted in the execution of his duties he shall have the power and it shall be his duty to call to his assistance any citizen or citizens, and if such citizen or citizens refuse such officer when called he or they shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Power to summon assistance.

Refusal a misdemeanor.

Punishment.

SEC. 2. That any person found drunk on the streets or roads or in any public place, either in said village or in one-half mile of the cotton mills in said village, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not exceeding ten days.

Public drunkenness a misdemeanor.

Punishment.

SEC. 3. That any person who shall use vulgar or obscene language or indulge in profane swearing on the streets or roads, or in any public place in the village or in one-half mile of the cotton mills in said village, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars or more than ten dollars or imprisoned not exceeding ten days.

Obscenity or profanity a misdemeanor.

Punishment.

SEC. 4. That said deputy sheriff shall wear an officer's badge when on duty.

Officer to wear badge.

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

Ratified this the 9th day of February, 1911.

## CHAPTER 123.

### AN ACT TO PROTECT GAME IN BLADEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to shoot, kill or in any manner destroy any deer or squirrel in Bladen County, between the thirty-first day of December and the thirtieth day of September in each year.

Close season for deer and squirrel.

SEC. 2. That it shall be unlawful for any person to shoot, kill, trap, or in any manner destroy any wild turkey, quail, partridge, woodcock, raccoon or opossum in Bladen County between the thirty-first day of January and the thirty-first day of October in each year.

Close season for other game.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and be fined not less than five dollars nor more than fifteen dollars.

Misdemeanor. Punishments.

SEC. 4. All laws or 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 this the 10th day of February, 1911.

## CHAPTER 124.

AN ACT TO AMEND PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO FISHING IN WATAUGA COUNTY.

*The General Assembly of North Carolina do enact:*

Gigs forbidden.

SECTION 1. That section one of chapter one hundred and eight of the Public Laws of one thousand nine hundred and nine, be amended by adding at the end of said section the words, "or gig."

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

Ratified this the 10th day of February, 1911.

## CHAPTER 125.

AN ACT TO AMEND SECTION TWO, CHAPTER THREE HUNDRED AND THIRTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO KILLING SQUIRRELS IN GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That section two of chapter three hundred and thirty-eight of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "October" in the last line of said section and inserting "August" in lieu thereof.

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

Ratified this the 10th day of February, 1911.

## CHAPTER 126.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINETY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE RAISING OF QUAIL AND OTHER GAME BIRDS IN ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Rockingham  
stricken out.

SECTION 1. That chapter six hundred and ninety-four of the Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by striking out the word "Rockingham" in line one, section five.

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

Ratified this the 10th day of February, 1911.

## CHAPTER 127.

## AN ACT TO PROTECT TROUT FISH IN YELLOW CREEK, GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to catch or destroy trout fish Open season. in Yellow Creek, Graham County, except from the fifteenth of April to the first day of June in each and every year.

SEC. 2. That any person violating the provisions of this act shall Misdemeanor. be guilty of a misdemeanor, and upon conviction shall be fined or Punishment. imprisoned, in the discretion of the court.

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

Ratified this the 10th day of February, 1911.

## CHAPTER 128.

## AN ACT TO PROTECT QUAIL IN McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words "first day of December" in section one, Close season. chapter five hundred and eighteen, Public Laws of one thousand nine hundred and nine, be stricken out and the words "fifteenth day of November" written in place thereof.

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

Ratified this the 10th day of February, 1911.

## CHAPTER 129.

## AN ACT TO AMEND THE LAWS RELATIVE TO HUNTING AND SHOOTING CERTAIN GAME BIRDS IN CHATHAM COUNTY, AND TO MAKE A UNIFORM LAW FOR THE COUNTY OF CHATHAM RELATIVE TO HUNTING SUCH BIRDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to Close season. hunt with gun or dog, or in any manner kill or injure any woodcock, quail or wild turkey in the county of Chatham between the first day of March and the fifteenth day of November in each year.

SEC. 2. That all laws and parts of laws in conflict herewith be and Repealing clause. the same are hereby repealed and declared to be null and void.

- Misdemeanor.      SEC. 3. That any person or persons violating this act shall be  
 Punishment.      guilty of a misdemeanor, and upon conviction shall be fined not more  
                          than fifty dollars or imprisoned for not more than thirty days.  
                          SEC. 4. This act shall be in force from and after its ratification.  
                          Ratified this the 10th day of February, 1911.

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CHAPTER 130.

AN ACT IN REGARD TO KILLING AND SELLING QUAIL AND  
 WILD TURKEY IN MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

- Open season.      SECTION 1. That it shall be unlawful to shoot, kill or trap any  
                          wild turkey in Moore County except during the month of December.  
 Sale of game      SEC. 2. That it shall be unlawful to sell, or offer for sale, or in any  
 forbidden.      way dispose of for gain, in Moore County, any quail or partridge,  
                          or any wild turkey.  
 Misdemeanor.      SEC. 3. That any person violating any of the provisions of section  
 Punishment.      one or two of this act shall be guilty of a misdemeanor and shall be  
                          fined not more than thirty (\$30) dollars, at the discretion of the  
 Penalty.      court, and shall, moreover, forfeit and pay a penalty of twenty  
                          (\$20) dollars, one-half thereof to the informer and one-half thereof  
                          to the school fund of the county.  
                          SEC. 4. This act shall be in force from and after its ratification.  
                          Ratified this the 10th day of February, 1911.

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CHAPTER 131.

AN ACT TO PROTECT DEER AND SQUIRREL IN CURRITUCK  
 TOWNSHIP, HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

- Close season for      SECTION 1. That it shall be unlawful for any person to chase with  
 deer.      dogs, hunt or kill deer between the first day of February and the  
 Nonresidents.      first day of October of each year, or for nonresidents to hunt or  
                          kill deer at any time, or for citizens of the township to kill deer for  
 Killing deer for      the purpose of shipping, or ship or transport any deer out of the  
 shipping.      county.  
 Misdemeanor.      SEC. 2. That any person convicted of any of the provisions of this  
 Punishment.      act shall be guilty of a misdemeanor, and upon conviction shall be  
                          fined not less than ten dollars nor more than fifty dollars.  
 Close season for      SEC. 3. That any person killing any squirrels between the first day  
 squirrels.      of February and the first day of November of each year, shall be

guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than five dollars for each and every squirrel killed.

SEC. 4. That this act shall apply only to Currituck Township, Hyde County.

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

Ratified this the 10th day of February, 1911.

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### CHAPTER 132.

#### AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF CHEROKEE COUNTY OUTSIDE OF INCORPORATED TOWNSHIPS AND ROAD DISTRICTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and fifteen of the Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed. Road law repealed.

SEC. 2. That the public roads of Cherokee County shall be established, improved and maintained, as provided for in chapter sixty-five, Volume I of The Revisal of one thousand nine hundred and five, and all amendments thereof. Roads to be worked under general law.

SEC. 3. That this act shall not apply to Valletown and Murphy townships and Marble District, in said county. Exceptions.

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 this the 10th day of February, 1911.

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### CHAPTER 133.

#### AN ACT TO REGULATE THE HUNTING OF QUAIL, PART-RIDGES, WILD TURKEYS, AND OTHER GAME BIRDS IN ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to hunt with gun or dogs, net, trap, or otherwise catch or kill any quail, partridges, wild turkeys, or other game birds in the county of Orange between the first day of February and the fifteenth day of November of each and every year. Close season.

Former close  
season.

SEC. 2. That section one of chapter five hundred and forty-three of the Public Laws of North Carolina, session of one thousand nine hundred and nine, be and the same is hereby repealed.

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

Ratified this the 10th day of February, 1911.

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#### CHAPTER 134.

AN ACT TO AMEND SECTION ONE, CHAPTER FIVE HUNDRED AND FIFTY-ONE, PUBLIC ACTS, ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO KILLING QUAIL AND PARTRIDGES IN FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

Proviso: Kernersville and Abbott's Creek townships.

SECTION 1. That section one, chapter five hundred and fifty-one, Public Acts one thousand nine hundred and nine, be and the same is hereby amended by adding to section one the following words: "Provided, that in Kernersville Township and Abbott's Creek Township, in Forsyth County, the close season or time in each year during which quail or partridges shall not be shot, killed, wounded or in any manner hunted, taken or captured, in said Kernersville and Abbott's Creek townships, shall be from the fifteenth day of February to the fifteenth day of November.

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

Ratified this the 10th day of February, 1911.

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#### CHAPTER 135.

AN ACT TO AMEND THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, CHAPTER ONE HUNDRED AND SEVENTY-FOUR, RELATIVE TO THE HUNTING OF FOXES IN CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That chapter one hundred and seventy-four of the Public Laws of one thousand nine hundred and nine of North Carolina, be and the same is hereby amended by striking out the word "October" in line three thereof, first section, and inserting in lieu thereof the word "September."

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

Ratified this the 10th day of February, 1911.

## CHAPTER 136.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF LEXINGTON TOWNSHIP, DAVIDSON COUNTY, TO BUILD SAND, CLAY AND OTHER PERMANENT ROADS, TO FIX COMPENSATION OF COUNTY TREASURER FOR HANDLING THE MONEY DERIVED FROM SALE OF BONDS AND TO ALLOW CONVICTS AT WORK ON THE ROADS OF THE TOWNSHIP, REDUCTION FROM TERM OF SENTENCE FOR GOOD BEHAVIOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of trustees of Lexington Township may, instead of building macadam roads as directed in chapter six hundred and eighty-one (681), Public Laws of one thousand nine hundred and nine (1909), at their discretion, construct and build sand clay roads, and other roads, out of material suitable and used for building permanent roads. Option as to road building.

SEC. 2. That the board of trustees of Lexington Township shall fix the compensation of the county treasurer for receiving and disbursing the moneys received from sale of bonds authorized by said act, not to exceed one per centum of the amount so received and disbursed by the said treasurer. Compensation of county treasurer.

SEC. 3. That the board of trustees of Lexington Township shall have the power and authority by rules adopted to allow convicts at work on the roads of said township reduction of time of sentence for good behavior, the reduction not to exceed three days per month of the time of such convict. Allowance to convicts for good behavior.

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 this the 10th day of February, 1911.

## CHAPTER 137.

AN ACT TO REGULATE FISHING AND HUNTING IN BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to hunt for quail, rabbits or squirrels between the first day of February and the fifteenth day of November of each year; and it shall be unlawful for any person or persons to hunt or fish upon the lands of another without a written permission, any season of the year. Close season. Hunting on lands of others.

- Netting quail forbidden. SEC. 2. That it shall be unlawful to net for quail at any season of the year.
- Possession of quail out of season. SEC. 3. That the possession of quail after the first day of February and before the fifteenth day of November shall be *prima facie* evidence that they were unlawfully taken.
- Fishing on lands without written permission of owner. SEC. 4. That it shall be unlawful to fish in any manner or at any time in the waters of Upper Creek, Steele's Creek, Cranberry Creek, Linville River above Linville gorge, or any of their tributaries above Smyrna Church, without the written permission of the owners or lessees of said watercourses.
- Game wardens to arrest without warrant. SEC. 5. That any legally constituted game warden shall have the right without warrant to arrest any person found fishing, dynamiting fish, seining, snaring or sacking fish without a written permit in any of the above-named waters.
- Sawdust in streams. SEC. 6. That it shall be unlawful for any owner or any person having in charge any sawmill to throw the sawdust from such mill into any of the streams described in section four of this act, or to place said sawdust so near to said streams that a freshet will carry the same into said streams.
- Misdemeanor. Punishment. SEC. 7. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars, or imprisoned, or both, at the discretion of the court, one-half of said fine to go to the warden, or other person furnishing sufficient evidence to convict.
- One-half fine to informant. SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Repealing clause. SEC. 8½. That this act shall apply only to Burke County.
- Application of act. SEC. 9. That this act shall be in force from and after its ratification.
- Ratified this the 10th day of February, 1911.

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CHAPTER 138.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWENTY-SIX, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED AND NINE, PERTAINING TO THE DRAINAGE OF THE LOWLANDS OF CLARK'S CREEK AND ITS TRIBUTARIES, IN LINCOLN COUNTY.

*The General Assembly of North Carolina do enact:*

Name of commissioner.

SECTION 1. That section one of chapter six hundred and twenty-six, Public Laws of one thousand nine hundred and nine, be amended by striking out the name of "Manney," in line two, between the letter "A" and the word "of," and inserting in lieu thereof the name of "Mauney."

SEC. 2. That section fourteen of chapter six hundred and twenty-six, Public Laws of one thousand nine hundred and nine, be amended by adding at the end thereof the following: "And likewise any and all bridges made necessary by change of channel of said creek, shall be built and erected by the county commissioners of Lincoln County, and paid for out of the general funds of said county." County commissioners to build bridges.

SEC. 3. That chapter six hundred and twenty-six, Public Laws of one thousand nine hundred and nine, be amended by adding at the end thereof the following, which shall be designated as section "nineteen (a)":

"That it shall be the duty of each and every landowner along Clark's Creek, within thirty days after notification by the 'Clark's Creek Drainage Commission' of Lincoln County, to remove all timber, brush, shrubbery, growing timber and all undergrowth growing and upon their respective lands and within seventy-five feet of the center of said stream, on each and both sides thereof, and at all times keep same clean and clear of said obstructions and growth: *Provided*, upon failure of any landowner to remove said timber, brush, shrubbery, undergrowth or growing timber from his own lands, as herein required and within the time designated and given and fixed by the drainage committee, it shall be the duty of said drainage committee to employ hands and have all said obstructions removed, and the costs thereof recovered in an action by said 'Clark's Creek Drainage Commission' of Lincoln County, against the said landowner. It is further provided the same shall be under the entire supervision of the said drainage committee." Landowners to remove obstructions.  
Proviso: work done by commissioners at expense of landowners.

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

Ratified this the 10th day of February, 1911.

## CHAPTER 139.

### AN ACT TAXING DOGS IN GASTON COUNTY AND MAKING THEM SUBJECTS OF LARCENY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons owning or keeping a dog must pay annually on each dog so owned or kept a license or privilege tax of one dollar on each dog, male or female. The taxes shall be listed at the same times and places as personal property is listed. Tax on dogs.  
To be listed as other property.

SEC. 2. That any person who shall feloniously take, steal and carry away any dog upon which a license tax has been paid, as hereinbefore provided, shall be guilty of larceny. Larceny.

SEC. 3. That said tax shall be paid to the sheriff of Gaston County, as provided for the payment of other taxes. Tax paid to sheriff.

Tax to use of schools.

SEC. 4. The net proceeds raised from the collection of said taxes shall be turned over to the treasurer of Gaston County to the use of the board of education of said county for public school purposes.

Failure to list dogs a misdemeanor.  
Punishment.

SEC. 5. Any person failing to list any dog as required by this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars and not more than ten dollars, or imprisoned not more than thirty days.

Application of act.

SEC. 6. That this act shall apply to Gaston County only.

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

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

Ratified this the 11th day of February, 1911.

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#### CHAPTER 140.

AN ACT TO PREVENT LOUD AND PROFANE OR OBSCENE LANGUAGE ON THE PUBLIC ROADS OR HIGHWAYS, OR BEING DRUNK UPON THE HIGHWAYS OR PUBLIC ROADS, OR THROWING GLASS, GLASS BOTTLES OR OTHER LIKE SUBSTANCE UPON THE HIGHWAYS OR PUBLIC ROADS.

*The General Assembly of North Carolina do enact:*

Loud, profane and obscene language forbidden.

SECTION 1. That it shall be unlawful for any person to use loud and profane or obscene language on the public roads or highways outside of the territorial limits of any incorporated city or town.

Public drunkenness forbidden.

SEC. 2. That it shall be unlawful for any person to be drunk upon the public roads or highways outside of the territorial limits of any incorporated city or town.

Throwing injurious substances on roads forbidden.

SEC. 3. That it shall be unlawful for any person to throw upon the highways or public roads outside the territorial limits of any incorporated city or town any glass, glass bottles, broken or otherwise, nails, tacks, or any substance of like nature, likely to puncture or injure rubber tires of any vehicle or to injure the feet of horses or other animals.

Misdemeanor.  
Punishment.

SEC. 4. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not exceeding thirty days.

Application of act.

SEC. 5. *Provided*, this act shall apply only to New Hanover County.

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 this 11th day of February, 1911.

## CHAPTER 141.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF SAMPSON COUNTY TO APPROPRIATE FROM THE COUNTY FUNDS MONEY TO HELP ERECT A MONUMENT TO THE CONFEDERATE SOLDIERS ON THE COURT-HOUSE SQUARE IN CLINTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of county commissioners of Sampson County are hereby authorized and empowered to subscribe to the fund now being raised to erect a Confederate monument on the court-house square in Clinton, North Carolina, an amount of money not exceeding one thousand dollars in all, said subscription to be paid out of the general fund, and the amount to be paid and appropriated to this purpose shall be discretionary with said board of county commissioners, but in no case shall exceed one thousand (\$1,000) dollars. Subscription directed.  
Amount.

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

Ratified this the 11th day of February, 1911.

## CHAPTER 142.

AN ACT TO AMEND SECTION TWENTY-ONE OF CHAPTER FOUR HUNDRED AND EIGHTY-THREE OF PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO TRUSTEE OF SINKING FUND FOR HILLSBORO TOWNSHIP BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-one of chapter four hundred and eighty-three of Public Laws of one thousand nine hundred and seven be amended by striking out after the word "North Carolina" in line thirty-seven of said section the words "in a penal sum which shall be equal to the total amount of said fund that will be in his hands at any time during his continuance in office," and insert in lieu thereof, "in the sum of ten thousand dollars which shall be increased every four years to such sum as the board of road commissioners shall deem sufficient to secure said sinking fund, and any indemnity or surety company or banking institution authorized to act as trustee, may be selected for such office." Also that said sec- Bond of trustee.

Election of trustee. tion be amended by striking out the word "biennially" in line thirty-three of said section, and the words "during the month of May" in line thirty-four of said section.

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

Ratified this the 11th day of February, 1911.

CHAPTER 143.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN MARBLE DISTRICT, IN CHEROKEE COUNTY, AND TO AUTHORIZE THE ISSUANCE OF BONDS TO PAY THE EXPENSES THEREOF.

*The General Assembly of North Carolina do enact:*

Road district created. SECTION 1. That all that part of Valleytown township in Cherokee County, lying westward of a due north and south line, bisecting said township which line crosses the state road leading from Andrews to Murphy, at the ford of Welch's Creek, as described in chapter four hundred and twenty-nine of the Public Laws of one thousand nine hundred and seven, shall hereafter for road purposes, be known as "Marble District."

Name. Highway commission incorporated. Corporate name. Term of office. SEC. 2. That J. M. Kilpatrick, J. G. Anderson and J. F. Palmer and their successors in office are hereby incorporated as the "Highway Commission of Marble District," and shall hold office as such for two years from the ratification of this act and until their successors are appointed by the Legislature and shall have qualified.

Powers and rights of commission. SEC. 3. Said highway commission shall have the same supervision, powers and rights in respect to all the public roads in Marble District as has heretofore been vested in either the board of supervisors of public roads, or in the board of county commissioners of Cherokee County except as such laws are modified herein. They shall have full power and authority to order the laying out of public roads where necessary, in its judgment, and to discontinue such as shall be found useless, and to alter roads so as to make them more useful.

Public roads. They shall also have power and authority to lay out cartways, church and mill roads, and to alter or discontinue the same in the way and manner provided in the general law, except as such laws are modified herein. And said commissioners shall have joint jurisdiction with the commissioners or aldermen of the town of Marble, of the principal roads or streets in Marble so far as their improvement and maintenance in concerned, but not including the sidewalks.

Streets in Marble. SEC. 4. Said highway commission shall meet in the town of Marble within ten days after their election and shall organize by elect-

Meeting for organization.

ing one of their number president, who shall preside at all the meetings of said commission; they shall also elect one of their number secretary, who shall keep a record of the proceedings of the said commission and shall deliver the same to his successor in office; they shall also elect a suitable person as treasurer of the commission, who need not be a member of said commission, and he shall enter into a bond in the penal sum of not less than double the amount of the road tax of said township for the current year, which bond upon approval by the commission shall be recorded by the register of deeds for Cherokee County in the book of official bonds and filed in his office. The treasurer's bond shall always be of a sufficient amount to cover the proceeds of any bond issue which may come into his hands in addition to the tax levy for the current year. And the amount of said bond shall be subject to increase or may be diminished at any time by order of the commission for the purposes aforesaid: *Provided*, that any bank in said township may act as such treasurer, except that only such bank or banks that will pay interest on time deposits shall be designated as treasurer. If the commission should appoint an individual as treasurer they shall have the right to require said treasurer to keep all the funds in his hands on deposit in one or more banks in said township, and the commission may also require said depository to execute a surety bond covering such deposits in addition to the bond required of the treasurer. The premium on said depository's bond shall be paid by the bank.

President.

Secretary.

Treasurer.

Treasurer to give bond.

Record of bond.

Amount of bond.

Proviso: bank as treasurer.

Deposit of funds.

Bond of depository.

SEC. 5. The treasurer of said commission shall make payments out of the road funds belonging to said township only upon the written order of the commission, signed by the president and secretary of the commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Road orders.

SEC. 6. All road taxes for Marble District which may hereafter be collected by the sheriff or tax collector of Cherokee County shall be paid over to the treasurer of said commission who shall give a receipt therefor. The sheriff or tax collector for said county shall pay over promptly all road taxes collected by him and shall at no time retain more than one hundred dollars of said special road taxes which may come into his hands. The sheriff or tax collector shall not apply the special road taxes of Marble District to the payment of any other claims which may be drawn on him, or the county treasurer on behalf of any other county or State purpose, but he shall at all times keep the road taxes collected in Marble District separate and pay them over to the treasurer of the commission as aforesaid. The sheriff or tax collector shall be required to settle in full with the treasurer of said commission not later than the first day of May in each and every year.

Payment of road taxes.

Specific appropriation.

Settlements.

SEC. 7. Said commission shall at their first meeting after election, or as soon thereafter as practicable, elect some competent, ex-

Election of superintendent.

performed and discreet person to be superintendent of all the public roads in the district. Such superintendent shall hold office during the pleasure of the commission electing him, and he shall be entitled to such compensation as may be fixed by said commission. Said commission shall also have the power to employ one or more competent road engineers, fix their compensation, and prescribe their duties, and the term of employment of any engineer shall be during the pleasure of the commission.

SEC. 8. Said commission shall also have the power to employ such other persons and to purchase such supplies as in their judgment are necessary to carry this act into effect. They may purchase such machinery, tools, blasting materials, drain pipes, and lumber as may be necessary to build or repair any road, they may construct necessary drains, culverts and foot paths and maintain the same. It shall be unlawful for any person on horseback to use any foot path constructed under the directions of the commission, and any one so offending shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined ten dollars for each offense.

SEC. 9. The necessary expenses incurred by the highway commission on account of stationery, postage, attorney's fees, clerk hire, and so forth shall be paid upon their order out of the funds provided by this act.

SEC. 10. The highway commission shall, as soon as practicable, divide the roads of Marble District into sections, and assign the hands liable for road service to their proper section. All persons now liable under the general road law to road duty, shall work on the same for six days in each year at the call or summons of the superintendent, or in lieu thereof shall pay one dollar for each day they may fail to work when so summoned. In case of damage to any road by storm or freshet, such road hands shall be liable to do such work as may be necessary to repair the same. For the purposes of this act eight hours shall constitute a day's work. Any person willfully failing to respond to the summons of the superintendent shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined five dollars. It shall be the duty of the superintendent or foreman in charge of the road hands to file a list, verified by his oath, of all hands refusing or failing to work or pay the cash commutation in lieu thereof, with some justice of the peace; and said justice shall thereupon issue his warrants for all of said delinquents and have them brought before him for trial. All moneys collected by the superintendent in lieu of work shall be paid by him to the treasurer of said commission, to be expended, however, upon the section of road to which persons paying the same have been assigned.

SEC. 11. The superintendent of roads shall when summoning the road hands, furnish them with all the necessary tools and see that

Term of office.

Compensation.

Road engineers.

Compensation and duties.

Other employees.

Tools and materials.

Unlawful use of foot path.

Punishment.

Expenses paid from road fund.

Division of roads.

Road duty.

Commutation.

Emergency work.

Day's work.

Failure to respond to summons a misdemeanor.

Punishment.

Lists of delinquents.

Warrants to issue.

Use of commutation money.

Superintendent to furnish tools

the same are kept in good order. He shall take immediate charge of the work of repairing the road, except where more than one road crew is working at the same time, in which case any additional crews may be put in the charge of such competent foreman as may be approved by the highway commission.

Charge of work crews.

SEC. 12. It shall be the duty of the highway commission to keep the public roads of Marble District in good repair, and if said commission shall willfully fail or omit to discharge any of its duties it shall be guilty of a misdemeanor.

Duty of commission.

Failure a misdemeanor.

SEC. 13. The highway commission shall serve without compensation, except an allowance of not more than two dollars and fifty cents per day and five cents per mile traveled may be made to each of them for each day necessarily spent in attending meetings of the commission and in laying out, supervising the construction and inspecting the repairs of the public roads of said township, unless one of their number shall be elected superintendent, in which event his compensation shall be fixed by the commission. But the superintendent, if a member of the highway commission, shall receive no pay nor allowance for mileage while acting as commissioner in addition to his wages as superintendent.

Compensation of commission.

Pay of commissioner elected superintendent.

SEC. 14. The highway commission shall have the right and authority to macadamize or otherwise improve any road in the district. They may relocate any road in order to make it more useful, or they may establish any new public road in the manner hereinafter provided. Whenever it shall appear to the highway commission that any public road ought to be improved or relocated, or that any new public road ought to be established, constructed and improved the highway commission shall have the right by their superintendent, engineer or other employees to enter upon the lands of any person and make such surveys as they may deem necessary to ascertain the most practicable route. On receiving the report of any such survey, together with an estimate of the cost of construction or improvement, accompanied by the engineer's profiles and such other specifications as may be desired, such report, together with the maps, profiles and specifications accompanying it, if the same have been required when considered, if approved and adopted by the highway commission, thereupon the public road or improvement described in said report shall thereby become established; and the necessary rights-of-way shall thereby become condemned for the public use.

Macadam roads.

Relocation and establishment.

Entrance on land for surveys

Road established by approval of report.

Right-of-way condemned.

SEC. 15. Any person who shall obstruct or interfere with the road superintendent or any engineer or other employees of the highway commission in making any survey as aforesaid, or who shall interfere or obstruct the road superintendent or any engineer or other employee or any contractor of their employees in the construction or improvement of any road, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars for each offense or imprisoned not more than thirty days, or both,

Obstructing officers a misdemeanor.

Punishment.

Employment of attorney.

in the discretion of the court. And the highway commission may employ an attorney to prosecute any such offender.

Entrance on land for material.

SEC. 16. The superintendent of roads or any other employee of the highway commission may enter upon the lands of any person and open any quarries and take away any stone, earth, gravel or timber from any place most convenient, accessible or desirable on account of the quality of the material desired, except trees planted or left for ornamental purposes. And the rights and privileges granted by this section to the employees of the highway commission shall be given to any contractor working for the commission, and to any of his employees.

Right extended to contractors.

Application for assessment of damages.

SEC. 17. Any landowner feeling himself aggrieved by the relocation or construction of any new public road or by the taking of any material from his land for road construction as herein provided, may within sixty days after such construction or improvement is completed, or such material is taken, make application to the highway commission for an assessment of damages and benefits caused by the taking of his property in the construction and improvement as aforesaid.

Procedure for assessment of damages.

SEC. 18. Within thirty days after the application for the assessment of damages has been made to the highway commission it shall order the sheriff or other lawful officer to summon a jury of three disinterested freeholders who shall, after having given notice to the landowner, his tenant or agent in charge, and being duly sworn, shall go upon the ground and take into consideration the damages claimed or done, as well as the benefits accruing to the said property by reason of the construction or improvement of the public road leading over the same, and the difference between the two sums shall be their verdict. If the damages awarded for a right of way shall exceed the benefits it shall be the duty of the secretary of the highway commission to draw an order on the treasurer of Cherokee County for the amount, and the treasurer of Cherokee County shall pay said order out of the general county fund. Damages awarded for road material taken shall be paid for by the commission: *Provided, however,* that if either the highway commission or the landowner be dissatisfied with the verdict of the jury, they shall have the right of appeal to the superior court of said county.

Proviso: appeals.

Width of right-of-way.

SEC. 19. In acquiring any right-of-way for the relocation or establishing of any public road not less than thirty feet in width shall be taken.

Specifications for road work.

SEC. 20. It shall be the duty of the engineer employed by the highway commission to prepare full and complete specifications covering the improvement or construction of any road, dividing such work into sections: said specifications being subject to the approval of the highway commission.

Advertisement for bids.

SEC. 21. After the approval of the specifications as aforesaid it shall be the duty of the highway commission to advertise for and

receive bids for the work to be done, and they shall have the right to let the work to the lowest responsible bidder, or if no satisfactory bid is received, they shall have the right to have the work done by the superintendent of roads, subject to their advice and approval from time to time. Work may be let to contract.

SEC. 22. If any such work shall be let to contract it shall be the duty of the contractor to furnish a bond conditioned upon the faithful performance of the work as specified, which bond shall be made by some solvent surety company authorized to do business in North Carolina, and the premium on said bond shall be paid by the contractor. Contractor to give bond.

SEC. 23. That for the purpose of providing sufficient funds from time to time for the necessary expenses of the highway commission of Marble District in grading, macadamizing or otherwise improving the public roads under their jurisdiction, the said commission is hereby authorized, empowered and directed to proceed at once to the issuing of coupon bonds for Marble District for an amount sufficient to carry on the improvements aforesaid. Said bonds shall be issued in such amounts and at such times as may be directed by the highway commission: *Provided, however,* that the amount outstanding shall at no time exceed ten per centum of the assessed valuation of all taxable property in Marble District. Bond issue authorized.

Amount.

Proviso: limit of amount.

SEC. 24. Whenever a portion of the bonds herein authorized are issued the highway commission shall cause a resolution passed by them to be spread upon their minutes, stating the amount of the bonds to be issued, the rate of interest, the time of maturity, and any other particulars in connection therewith. A certified copy of said resolution shall be transmitted to the register of deeds of Cherokee County, who shall cause the same to be recorded in the minutes of the board of county commissioners for their information and future guidance. Procedure for issuance of bonds.

SEC. 25. Said bonds when issued shall be sold at public or private sale as may appear to the best advantage, and at not less than their par value. Sale of bonds.

At not less than par.

SEC. 26. Said bonds shall bear a rate of interest to be fixed by the commission not exceeding six per cent per annum, payable semi-annually, interest and principal to be paid at some bank or trust company to be selected by the commission and named in each bond and coupon. Interest.

SEC. 27. That said bonds shall be issued in denominations of five hundred dollars or a multiple thereof, and they shall be signed by the president of the highway commission and countersigned by the secretary thereof, and have the corporate seal of the commission affixed to each bond, and each interest coupon shall be signed by the secretary either in autograph or a printed fac simile thereof. Denominations.

Authentication.

SEC. 28. That the highway commission of Marble District is hereby authorized and empowered to adopt and use a corporate seal, Corporate seal.

which seal shall remain in the custody of, and shall be used and affixed to all instruments requiring it, by the secretary of said commission.

Maturity of bonds. SEC. 29. That said bonds when issued and sold shall become a valid debt of said district, and shall fall due and become payable in thirty years from the date thereof. Whenever any of the bonds authorized by this act shall be disposed of the proceeds thereof shall be paid by the purchaser to the treasurer of the highway commission, and the proceeds thereof shall not be used for any other purpose than those authorized in this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of said funds. Said treasurer shall not be allowed any commission on the proceeds of the bonds received by him, but for paying out any amount from said funds he shall be allowed a commission of one-half of one per cent. For receiving and disbursing the taxes collected annually to pay the interest of said bonds, and for keeping in repair the public roads, the treasurer shall be allowed the usual commission now allowed to county treasurers for like services.

Specific appropriation.

Proviso: duty of purchaser.

Commission of treasurer.

Special tax.

SEC. 30. For the purpose of paying the interest coupons on said bonds as they respectively fall due, the board of county commissioners of Cherokee County are hereby authorized and directed to levy annually at the same time as other taxes are levied, a sufficient special tax on all the taxable property and polls in Marble District as will pay the interest on all the said bonds that will fall due in each year. A sufficient rate of taxation for the purpose aforesaid together with an amount sufficient to keep in repair the public roads in addition to the labor of the road hands thereon, shall be ascertained and recommended each year by the highway commission to the board of county commissioners of Cherokee County, but in the absence of such recommendation, it is hereby made the duty of the county commissioners of Cherokee County annually to ascertain and levy a special tax which will be sufficient for the purposes aforesaid.

Rate recommended by highway commission.

Collection of tax.

SEC. 31. The sheriff or tax collector of Cherokee County is hereby authorized and directed annually to collect the special taxes as aforesaid at the same time and in the same manner as other taxes are collected. And he is hereby required and directed to keep such special taxes separate from any other funds in his hands, and to pay over and settle for the same as herein provided to the treasurer for the highway commission; or if there should be a vacancy in that office he shall pay the same over to the county treasurer for Cherokee County.

Tax to be kept separate.

Settlement.

Bond of sheriff and tax collector.

SEC. 32. The official bond of the sheriff or tax collector for Cherokee County shall be made of a sufficient amount to cover all the duties, responsibilities and liabilities incurred by him in the collection and handling of said special taxes, as set forth in this chapter and all other laws concerning the collection of taxes.

Treasurer to keep funds separate.

SEC. 33. It shall be the duty of the treasurer receiving the special taxes levied to pay the interest on the bonds herein authorized to keep the same separate and apart from any other funds he may have on hand, and to use the same wholly for paying off the interest coupons as they respectively mature: *Provided*, any surplus left in any one year after paying the coupons falling due in that year shall be used in improving and keeping in order the public roads in said township. Proviso: surplus.

SEC. 24. Wherever the word "commission" or "highway commission" is used in this chapter, it shall be held to mean and to refer to the "Highway Commission of Marble District," as created by this chapter. Terms defined.

SEC. 35. All laws and clauses of laws in conflict with this act are hereby declared inoperative in Marble District, in Cherokee County.

SEC. 36. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, 1911.

#### CHAPTER 144.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CLAY COUNTY TO ISSUE BONDS FOR THE PURPOSE OF GRADING AND IMPROVING THE COUNTY ROAD FROM HAYESVILLE, NORTH CAROLINA, TO THE LINE OF CLAY AND CHEROKEE COUNTIES, SO AS TO INTERSECT WITH THE ROAD THAT IS TO BE BUILT BY CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of laying off, grading and otherwise improving the public roads from Hayesville, North Carolina, to the Cherokee and Clay County line, so as to connect with the public road which is proposed to be built by the commissioners of Cherokee County, the board of commissioners of Clay County are hereby authorized, empowered and directed to submit to the vote of the qualified voters of Clay County on such day as may be fixed by them after thirty days' notice, the question of issuing eight thousand dollars in bonds. Purpose of bond issue.

SEC. 2. That the said election shall be advertised for thirty days immediately preceding the day of election, in six different places in the different parts of said county, and at the court-house in Hayesville, and the election shall be held under the rules and regulations provided for elections of State and county officers. Election authorized.

SEC. 3. Those who are in favor of issuing bonds 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. Amount to be voted on.

Advertisement of election.

Tickets.

- Record of results. SEC. 4. If a majority of the qualified voters of said county shall vote for bonds, the result shall be declared and entered on record by the said board of county commissioners, and the said board of commissioners for said county shall issue as needed for the purpose herein expressed, bonds not exceeding the amount voted bearing interest from date of their issue at a rate of five per cent per annum payable annually at such place as said commissioners shall name on the first day of January each year.
- Bonds to be issued.
- Interest.
- Denominations. SEC. 5. That said bonds shall be issued in denominations of not less than one hundred nor more than five hundred dollars, and shall be made payable twenty years after the date thereof and shall bear on their face the purpose for which and the authority by which they were issued. The bonds and coupons shall be numbered consecutively and shall be signed by the chairman of the board of commissioners and countersigned by the register of deeds of the county, and bear the corporate seal of the said county of Clay.
- Maturity.
- Authentication.
- Record of bonds. SEC. 6. A record shall be kept by said board in a separate book for that purpose, of all bonds sold, to whom sold, the amount, and date of sale, the maturity of each bond and its number, and in same book, a like record of bonds redeemed, and bonds shall be destroyed when redeemed.
- Special tax. SEC. 7. In order to pay the interest on said bonds the board of commissioners shall annually compute and levy at the time of levying other taxes a sufficient special tax upon all polls, real and personal property subject to taxation for State and county purposes, observing the constitutional equation between the tax on property and the tax on polls.
- Tax to be kept separate. SEC. 8. 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 it was levied and collected.
- Specific appropriation.
- Sinking fund. SEC. 9. For the purpose of creating a sinking fund with which to pay the principal of said bonds when due, said board of commissioners shall at and after the expiration of ten years from the date of said election, annually levy and collect a special tax in addition to the tax equal in amount to one-twentieth of the total amount of the bonds issued under this act, and shall continue to levy said tax until said bonds are paid.
- Investment of sinking fund. SEC. 10. That it shall be the duty of the said board of 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 not more than par; but in case none of said bonds can be purchased the said commissioners may deposit such funds in any safe bank or banks at such rate of interest as they may be able to secure; and no bond shall be signed until actually needed for issue.
- Deposit of fund. The bonds provided for in this section shall be deposited in some safe designated by said board of commissioners, and only drawn out on the order of the board of commissioners, said order to be
- Deposit of bonds.

of record, and shall be issued for such sums as shall be needed for the work.

SEC. 11. That said bonds shall not be sold for less than par.

Not sold below par.

SEC. 12. For the purpose of carrying this act into effect, the board of commissioners shall employ a competent engineer, whose duty it shall be to locate and establish a public road from some point at the Cherokee and Clay line, and locate same to Hayesville. The commissioners shall have the power to lay out and change any part of said road now being operated or traveled.

Employment of engineer.

Location of road.

SEC. 13. The commissioners in prosecuting the work shall have the right to contract and let any part or all of said work to be laid out and surveyed by an engineer.

Road may be let to contract.

SEC. 14. All damages to be assessed after work on road is built, after which the commissioners shall have the sheriff to summon three freeholders to assess damages and report the same to the commissioners.

Assessment of damages.

SEC. 15. That the county commissioners are hereby empowered to pay their part for the building of a bridge at or near the Cherokee line across Hiwassee River: *Provided*, the road from Murphy to Hayesville be so located as to require a bridge: *Provided*, that said bridge shall not be paid for out of said road bonds, and that Clay County shall pay her part as per contract with the commissioners of Cherokee County in regard to building bridges on the county line.

Bridge authorized.

Proviso: if bridge be needed.

Proviso: payment for bridge.

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

Ratified this the 11th day of February, 1911.

#### CHAPTER 145.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND THIRTY-NINE OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO OFFICERS OF THE CITY OF WILMINGTON AND NEW HANOVER COUNTY RECEIVING PAY AS WITNESSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and thirty-nine of Public Law repealed. Laws of North Carolina of one thousand nine hundred and nine, be and the same is hereby repealed.

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

Ratified this the 11th day of February, 1911.

## CHAPTER 146.

AN ACT TO MAKE DISORDERLY CONDUCT A MISDEMEANOR  
IN THE VILLAGE OF DELGADO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That every person who shall engage in any quarreling or fighting or any loud and boisterous language, cursing or swearing, or any other disorderly conduct of any kind whatsoever on any public highway, at or within two hundred yards of any residence, public railway station, or within two hundred yards of Delgado Cotton Mills, Delgado Cotton Mills office, Delgado Mills store, or any schoolhouse or church in the village of Delgado, or along the Castle street road from Seventeenth street to Delgado village, or in any street, alley, house or elsewhere in the said village, shall be guilty of a misdemeanor and upon conviction before any justice of the peace in New Hanover County shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 2. Every person found drunk along the public highways passing through the village of Delgado, or along the Castle street road between Seventeenth street and Delgado village, or in any other streets or alleys, or in any other public place in the village of Delgado, shall be guilty of a misdemeanor and upon conviction before any justice of the peace in New Hanover County shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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

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

Ratified this the 11th day of February, 1911.

## CHAPTER 147.

AN ACT TO CREATE A RECORDER'S COURT FOR THE TOWN  
OF AURORA AND A PORTION OF RICHLAND TOWNSHIP  
AND DEFINE JURISDICTION AND TERRITORY THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a recorder's court is hereby established and created, to be known as a recorder's court for the district of Aurora, which shall comprise all of Richland Township, lying east of the old Sand Hill road leading from the Pamlico County line to the C. W. Bonner store in the village of Bonnerton; thence with the public road to Neville's Creek and with said creek to Durham's

Enumeration of  
offenses and  
localities.

Misdemeanor.  
Punishment.

Public drunk-  
eness forbidden.

Misdemeanor.  
Punishment.

Court established.  
Establishment.  
Territory.

Creek, and with Durham's Creek to Pamlico River, excepting all the territory east of the division line between the Royal and South Creek special tax school district.

SEC. 2. That the said court shall be a court of record and shall be presided over by an elector of said territory, who shall be a man of good moral character and who shall be known as the recorder of the Aurora district. Court of record.  
Recorder.

SEC. 3. That the recorder hereinafter provided for in this act shall hold office until the next general election, when his successor shall be elected by the qualified voters of the said district, in the same manner and at the same time township officers are elected. Term of office.  
Election of successor.

SEC. 4. That at the first meeting of the board of county commissioners of Beaufort County, following the ratification of this act, it shall be the duty of said board to appoint a recorder for said district, who shall possess the qualifications required by section two hereof, and the said recorder shall at once take and subscribe before the clerk of the superior court of said county the same oath that is now required of judges of the superior court, and shall forthwith be inducted into office and shall thereafter perform the duties herein prescribed. Election of recorder.  
Recorder to qualify.

SEC. 5. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed to justices of the peace, except for claim and delivery process, he shall receive fees which are now allowed to clerks of the superior court, excepting the fee for trial and judgment which shall be two dollars and for each additional defendant one dollar. Fees of recorder.

SEC. 6. Said recorder shall hold sessions of his court as often as is necessary to speedily serve the public, legal and holidays and Sundays excepted. Said sessions to be held in the town hall in Aurora. Sessions of court.  
Place of sessions.

SEC. 7. The jurisdiction of the said court shall be as follows: Jurisdiction.

#### CIVIL.

Civil.

(a) On all actions founded on contract wherein the sum demanded does not exceed five hundred dollars. Contracts.

(b) On all tort actions wherein the sum demanded does not exceed two hundred dollars or where the property in controversy does not exceed in value the amount of two hundred dollars. orts.

#### CRIMINAL.

Criminal.

(a) The said court to have concurrent jurisdiction with the courts of justices of the peace in all criminal offenses committed within said district. Concurrent jurisdiction.

(b) The said court shall have exclusive original jurisdiction to hear and determine all of the criminal offenses committed within said district below the grade of felony, as is now defined by law, and all such offenses committed within said territory are hereby Original jurisdiction.

Proviso: prosecutions not instituted within six months.

declared to be petty misdemeanors: *Provided*, that in all criminal offenses where the said court has been given jurisdiction by this act, and no prosecution has been commenced within six months from the commission thereof, the superior court of Beaufort County may proceed to try the same as though this court did not exist.

Powers as justice of the peace.

(c) The said court shall have all the jurisdiction, power and authority as is conferred upon justices of the peace by the constitution and existing laws of North Carolina, and shall have power and authority to sentence any person convicted in the said court, for which the punishment is imprisonment, to be confined in the common jail of Beaufort County, to be worked on the public roads of said county; and any person convicted and punished by a fine may be required to work on the said roads for the non-payment of the same at fair and reasonable wages to be fixed by the board of county commissioners, until the same is paid in full, together with the cost and then be discharged: *Provided, further*, that in all cases where an appeal is taken to the superior court it shall be the duty of the said recorder to require a reasonable bond, and send the same, together with all papers, to the next term of the superior court to be held in said county, where the trial in all such cases shall be *de novo*; said appeal to be perfected as from a court of a justice of the peace.

Sentence to road work.

Proviso: road work in payment of fines.

Proviso: appeals.

Seal of court.

SEC. 8. Said court shall have a seal with the impression "The Recorder's Court for the district of Aurora," which seal shall be used in the attestation of all writs, warrants, summons or other proceedings, acts, process, judgments or decrees of said court in the same manner and to the same effect as the seals of other courts of North Carolina.

Docket and record.

SEC. 9. The said recorder shall provide and keep a permanent docket and record of all papers, proceedings and processes, which shall be at all times open to inspection to any person interested.

Reports to superior court.

SEC. 10. The said recorder shall at least one time in each month prepare and transmit a true record of all his official acts to the clerk of the superior court of Beaufort County, and all fines imposed and collected shall be paid into the treasury of said county on or before the second Tuesday in each month.

Jury trials.

SEC. 11. That in all trials before said court upon the demand of for a jury, the said recorder shall draw the same, as is now provided in actions before a justice of the peace and with the same rights and challenges as now exist: *Provided*, that the said jury shall consist of twelve if the trial be of a civil action above the jurisdiction of a justice of the peace.

Proviso: jury of twelve.

Vacancy.

SEC. 12. That in case of a vacancy in the said recorder's office for any cause it shall be the duty of the board of county commissioners of Beaufort County to appoint a recorder for the balance of the unexpired term.

Territory added no petition.

SEC. 13. That whenever one-fourth of the qualified voters, living

in Richland Township but outside the district created by this act, shall petition to the board of county commissioners requesting to be added to the jurisdiction of the said district, it shall be the duty of the said board of county commissioners to advertise the day and date, when and where the said petition will be considered, and after a careful consideration, the said board of county commissioners shall have the right and power to add whatever territory to said district they may deem right and proper: *Provided*, that no territory can be added except it be in Richland Township.

Proviso: limit of territory.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, 1911.

#### CHAPTER 148.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF TYRRELL COUNTY TO FUND THE FLOATING DEBT OF THE COUNTY, CONSISTING OF UNPAID COUNTY ORDERS, AND LEVY A SPECIAL TAX TO PAY THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of settling and paying the lawful indebtedness of Tyrrell County outstanding on the first day of December, one thousand nine hundred and ten, it shall be lawful for the board of commissioners of said county to fund the same by issuing the bonds of the county to the amount of three thousand dollars, in the aggregate and in denominations of not over five hundred dollars nor less than twenty-five dollars, with coupons attached for the interest, payable annually at the rate of six per cent, the said bonds to run from one to three years, that is, one third of the total amount, and all accrued interest shall be payable annually until all shall be paid.

Purpose of issue.

Bond issue authorized.  
Amount.

Denominations.

Interest.

SEC. 2. That in order to pay the said bonds and interest, the board of commissioners shall levy annually a special tax sufficient to pay the same and interest as they and the interest shall fall due, observing the constitutional equation between property and poll, the same to be collected and accounted for by the same officers who shall collect and receive the other county taxes, and the board of commissioners shall require sufficient bonds of the sheriff, or collector, and county treasurer, for the faithful collection and payment of said bonds; and it shall be unlawful for the board of commissioners to apply any of said funds to any other purpose than herein provided for.

Special tax.

Constitutional equation.

Bonds of officers.

Specific appropriation.

Authentication. SEC. 3. That the said bonds shall be signed by the chairman of the board of commissioners, attested by their clerk and the seal of the county; and a book shall be kept by the clerk in the nature of stubs, or otherwise, showing the number and amount of each bond issued, to whom payable, when payable, and when canceled; also there shall be kept by the clerk in a book an abstract of each coupon canceled, and showing amount of same and date of cancellation. Each bond and each coupon, when detached therefrom shall, when paid, be endorsed by the person receiving payment therefor, showing amount received therefor and date of payment.

Record of bonds. SEC. 4. That in bonding or paying the floating indebtedness of said county, or any portion thereof, the board of commissioners of the county may, in their discretion, purchase with said bonds any of the aforesaid outstanding indebtedness of the county at par or at such discount and on such terms as to time of payment as may be agreed upon between the said board of commissioners and any creditor holding any such indebtedness: *Provided*, that not over one-third of the total indebtedness of the county besides accrued interest, if bonded, shall fall due in any year, and if said bonds are negotiated, they shall not be sold for any sum less than face value.

Purchase of outstanding debts. SEC. 5. That the said board of commissioners shall not under this act be compelled to fund all county orders outstanding on December first, nineteen hundred and ten, but only such as is recognized by said board of commissioners as being valid and proper claims against said county of Tyrrell.

Provviso: maturity. Ratified this the 11th day of February, 1911.

Bonds not to be sold below par.

Debts to be funded.

#### CHAPTER 149.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF RUTHERFORD COUNTY TO LEVY A SPECIAL TAX FOR BRIDGE PURPOSES.

*The General Assembly of North Carolina do enact:*

Special tax authorized. SECTION 1. That the commissioners of Rutherford County are hereby authorized and empowered to levy a special tax of not exceeding twenty cents on the one hundred dollars worth of property for the purpose of building bridges in Rutherford County and paying for bridges already constructed or contracted for; said tax to be levied for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve.

Rate.

Purpose of levy.

Years.

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

Ratified this the 11th day of February, 1911.

## CHAPTER 150.

## AN ACT TO PROTECT THE OWNERS OF LAND IN THE ENJOYMENT OF THEIR RIGHTS IN GUILFORD AND OTHER COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That if any person shall take or carry away any sand, dirt or stone from and off of the lands of another with intent to appropriate the same to his own use by sale or otherwise, except for public purposes without first having obtained the written consent of such other person or owner thereof so to do, he 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.

Removal of sand, dirt or stone a misdemeanor.

Punishment.

SEC. 2. That if any person shall throw or place upon the lands of another, without first having the written consent of such other person or owner thereof, in writing, any carcass of any dead animal or fowl, or any debris, such as tin cans, broken glass, decayed fruits, old boxes and old paper, with intent of getting carcass or debris off of his own lands, or that of another, or off the streets of any city or town, he 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.

Dumping carcasses or debris on land a misdemeanor.

Punishment.

SEC. 3. That this act shall apply only to Guilford County and Cumberland County.

Application of act.

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

Ratified this the 11th day of February, 1911.

## CHAPTER 151.

## AN ACT TO AMEND THE PUBLIC ROAD LAW OF LAUREL HILL AND SPRING HILL TOWNSHIPS OF SCOTLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and fifty-two, Public Laws one thousand nine hundred and three, be and the same is hereby amended as follows:

(1) By inserting in section one, subsection one, the words "Laurel Hill and Spring Hill townships of Scotland" instead of the word "Scotland."

Law limited to townships.

(2) By inserting in section one, subsection two, the words "Laurel Hill and Spring Hill townships of Scotland" instead of the word "Scotland."

Law limited to townships.

SEC. 2. That chapter six hundred and fourteen, Public Laws one thousand nine hundred and five, be and the same is hereby amended as follows:

Pay of superintendents.

(1) That the superintendents provided for in said chapter shall receive as compensation two dollars per day for each day that such superintendent shall be engaged in superintending a force of not less than six men actually engaged in working upon his section of the public roads.

Commutation.

(2) By inserting in section seven of said chapter the words "one dollar and twenty-five cents" instead of the words "fifty cents," and by adding to the end of said section seven the following: That the said sum shall remain in the hands of the superintendent receiving the same, and shall be used by him in employing labor upon his section of the public roads, and such superintendent shall submit on the first day of January, April, July and October of each year, a report to the county commissioners of all his dealings with said money and all his transactions as such superintendent.

Road duty.

(3) By inserting in section nine of said chapter the words "four days" instead of the words "two days."

Exemptions.

(4) That section eleven of said chapter be amended by adding to the same the following: *Provided*, that it shall appear to said board of commissioners that it would be a hardship upon such person to require such person to pay the sum provided for in this act in order to be excused from service.

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 this the 11th day of February, 1911.

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## CHAPTER 152.

AN ACT TO DIVIDE THE BOARD OF COMMISSIONERS OF GASTON COUNTY INTO TWO CLASSES, AND TO FIX THE TERM OF OFFICE, REGULATE THE MEETINGS, AND FIX THE COMPENSATION OF THE SAME.

*The General Assembly of North Carolina do enact:*

Number of commissioners.

SECTION 1. That at the general election to be held in the year one thousand nine hundred and twelve, there shall be elected in the county of Gaston by the duly qualified voters thereof, six (6) members of the board of county commissioners, divided into two classes, three of whom shall compose one class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire at the end of two years thereafter, or on the first Monday in December, one thousand nine hundred

Two classes.

Term of office.

and fourteen; and three (3) of whom shall compose another class, Second class. whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire four years thereafter, or on the first Monday in December, one thousand nine hundred and sixteen; that upon the expiration of the term of office of both classes of said commissioners, their successors shall be elected to hold office four years and until their successors are elected and qualified. Term of office.  
Successors.

SEC. 2. That the board of commissioners of Gaston County shall hold a regular meeting at the court-house in said county on the first Monday in each and every month, and may adjourn any regular meeting from day to day or to any day in the month until the business before it is disposed of. Special meetings may be held at other times for the more convenient dispatch of business, at the call of the chairman, on the written request of one member of the board, but public notice of the time and place of such called meeting shall be posted at the court-house door for not less than three days prior thereto. Every meeting of the board shall be open to the public, except when the board should decide to go into executive session. Regular meetings of commissioners.  
Special meetings.  
Notice of called meeting.  
Meetings open to public.

SEC. 3. Each member of the said board of commissioners shall receive for his services in attending the meetings of the board, the sum of three dollars (\$3.00) per day, and mileage at the rate of five cents per mile to and from the place of meeting each day of his attendance on said board, and for such other services as he shall render the county in pursuance of authority and by direction of the board, the sum of three dollars (\$3.00) per day, and mileage at the rate of five cents per mile for each mile traveled to and from his home in the discharge of such service so performed in pursuance of authority and by direction of the board. The board of commissioners may allow its chairman such additional compensation as it may deem proper, the said additional compensation not to exceed the sum of three hundred (\$300) dollars per annum. Pay of commissioners.  
Pay for other services.  
Allowance to chairman.

SEC. 4. That no meeting or meetings of the board of county commissioners of Gaston County heretofore held, and no acts done by such board of commissioners in such meeting or meetings shall be invalid because of any defect in the manner of calling or publishing notice of such meeting or meetings, or because of such meeting or meetings being held on a day or days other than those heretofore prescribed by law for such meetings; and all acts heretofore performed at any meeting or meetings of the board of county commissioners of Gaston County shall be declared valid in all respects. Former meetings and acts validate

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

SEC. 6. That this act shall apply only to the county of Gaston. Application of act.

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

Ratified this the 11th day of February, 1911.

## CHAPTER 153.

AN ACT TO AMEND SECTION THREE THOUSAND AND SEVENTY-TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE TO ABOLISH THE OFFICE OF STANDARD KEEPER OF VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That the word "Vance" be inserted between the word "Warren" in the third line from the end of said section, and the word "and" in the second line from the end of section three thousand and seventy-two, volume one, Revisal of one thousand nine hundred and five.

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 and effect from and after its ratification.

Ratified this the 14th day of February, 1911.

## CHAPTER 154.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO LEVY AND COLLECT SPECIAL TAXES.

*The General Assembly of North Carolina do enact:*

Special tax authorized.

SECTION 1. That that the board of commissioners of Rutherford County be and it is hereby authorized and empowered to levy and collect yearly for as many years as may be necessary for the purpose herein named, not to exceed a period of two years, a special tax not to exceed seven cents on the one hundred dollars valuation of taxable property, and twenty-one cents on each taxable poll within the county for the purpose of paying the bonds of the county which were issued in payment of repairs of the old county courthouse, and which amount in the aggregate to three thousand three hundred and twenty-five dollars.

Rate.

Purpose of levy.

Limit of amount.

Levy and collection.

SEC. 2. That the tax herein authorized shall be levied and collected in the same manner as State and county taxes are levied and at the same time and place, and, in making said levy, the board of commissioners of Rutherford County shall observe the constitutional equation between the property tax and the poll tax.

Constitutional equation.

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

Ratified this the 14th day of February, 1911.

## CHAPTER 155.

AN ACT TO FORBID THE ISSUANCE OF BONDS BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF TYRRELL WITHOUT FIRST SUBMITTING THE ISSUANCE OF THE SAME TO A VOTE OF THE PEOPLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the county of Tyrrell shall not have the right to issue bonds for any purpose whatever, except to fund the now existing floating indebtedness of said county, unless the question of their issuance shall have been first submitted to the qualified voters of said county, and a majority of those voting shall have voted for the issuance of same. Bond issue forbidden. Exception.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 14th day of February, 1911.

## CHAPTER 156.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, TO CREATE THE OFFICE OF PROSECUTING ATTORNEY FOR THE RECORDER'S COURT OF THE TOWN OF REIDSVILLE AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The office of prosecuting attorney for the recorder's court of the town of Reidsville is hereby created. The said prosecuting attorney shall be an elector and a practicing attorney in the town of Reidsville. The duties of the said prosecuting attorney shall be to see that warrants, subpoenas and other processes are issued for the proper apprehension and trial of all violators of the law in the town of Reidsville, and to represent the State of North Carolina in the trial of all criminal actions brought before said court and faithfully and diligently prosecute the same. Office created. Qualifications. Duties.

SEC. 2. The said prosecuting attorney shall receive fees as compensation for his services as such prosecuting attorney as follows: one dollar for each conviction for the violation of a town ordinance, three dollars for each conviction of other offenses in the jurisdiction of said court and one dollar for each absolute judgment in *sci. fa.* cases to be paid out of recovery on said judgment. The said fees shall be taxed by the clerk of said court in the bills of costs and collected by him as other costs are collected. Fees.

SEC. 3. That immediately upon the ratification of this act the

Election.

board of commissioners of the town of Reidsville shall elect a prosecuting attorney to hold office until the first Tuesday in June, one thousand nine hundred and eleven, or until his successor shall qualify said successor to be elected as hereinafter provided.

SEC. 4. A prosecuting attorney as herein provided for shall be elected by the people at the general town election to be held on the first Tuesday in May, one thousand nine hundred and eleven. The commissioners of said town of Reidsville shall provide a separate box in which to vote for said prosecuting attorney, and said election shall be held and result declared in the same manner as is now provided for the election of the mayor of said town. Said prosecuting attorney so elected shall qualify as such prosecuting attorney on the first Tuesday in June, one thousand nine hundred and eleven, and shall hold office for a term of two years. A prosecuting attorney as herein provided for shall be elected every two years at the general election of said town on the first Tuesday in May, and shall qualify as such prosecuting attorney on the first Tuesday in June thereafter. He shall take and subscribe the oath prescribed for the solicitors of the superior court in this State.

SEC. 5. The board of commissioners of the town of Reidsville immediately upon the ratification of this act shall proceed to elect a substitute recorder for said recorder's court, who shall hold office until the first Tuesday in June, one thousand nine hundred and eleven. On the first Tuesday in June, one thousand nine hundred and eleven, the board of commissioners of said town shall proceed to elect a substitute recorder for the term of two years and on the first Tuesday in June every two years thereafter the said board shall elect said substitute recorder.

SEC. 6. Said substitute recorder shall be an elector in the town of Reidsville and he shall preside over said recorder's court in the absence of the recorder or during the temporary disability of said recorder. He shall have all the jurisdiction, power and authority conferred on the recorder in the act creating said court. He shall take and subscribe the oath required of the recorder of said court. And his compensation for his services shall be fixed by the board of commissioners of the town of Reidsville.

SEC. 7. In order to more fully provide a jury box as required in the act creating the recorder's court of the town of Reidsville, the board of commissioners of said town is hereby directed and empowered to provide a jury box containing the names of all persons eligible to jury service living within the corporate limits of the town of Reidsville. The said board of commissioners shall immediately upon the ratification of this act provide said jury box and shall revise the jury list for said box at least once each year thereafter: *Provided*, that those persons exempted from jury service by statute may in writing request the board of commissioners to omit their names from said jury box, and upon such request the board of commissioners shall not place their names in said box.

Proviso: persons exempted from jury duty.

Term of office.

Successor.

Election of successor.

Term of office.

Further election.

Oath.

Substitute recorder.

Successor.

Duties and jurisdiction of substitute recorder.

Compensation.

Commissioners to provide jury box.

SEC. 8. When a jury shall be asked for and drawn from the jury box as provided in the act creating the recorder's court of the town of Reidsville, those jurors drawn and empaneled as the jury to try the cause shall receive fifty cents each for their services and those jurors excused shall receive twenty-five cents each. These fees to be paid by the party at whose instance the jury is drawn.

SEC. 9. In case of the death or resignation of the recorder of the recorder's court of the town of Reidsville, the board of commissioners of the town of Reidsville is hereby authorized and empowered to elect a successor to fill the unexpired part of his term of office. Commissioners to fill vacancy.

SEC. 10. In case of the sickness or temporary disability of the prosecuting attorney of the recorder's court of the town of Reidsville, the board of commissioners of the town of Reidsville is hereby authorized and empowered to elect some person to act in his place during such sickness or temporary disability; and he shall receive for his services such compensation as the said board of commissioners may deem proper; and in case of the death or resignation of the said prosecuting attorney, the board of commissioners of the town of Reidsville is hereby authorized and empowered to elect a successor to fill the unexpired part of his term of office. Temporary prosecuting attorney.

SEC. 11. That this act shall be in force from and after its ratification. Compensation.

Ratified this the 14th day of February, 1911. Commissioners to fill vacancy.

## CHAPTER 157.

### AN ACT TO AMEND THE ROAD LAW OF NUMBER SIX TOWNSHIP, CLEVELAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred and fifty, Public Laws of one thousand nine hundred and nine be amended by adding at the end of section eleven the following: "*Provided, however,* that the above shall operate only to repeal the provision requiring free labor of the citizens of Number Six Township, and shall vest all the rights, powers, authorities and privileges granted under the general road laws of the State in the highway commission of Number Six Township, and said highway commission shall have the right, power, and authority to exercise any and all of the privileges now vested in the board of supervisors of the township or the board of commissioners of the county by the general road laws of the State except the free labor provision above referred to. And *provided, further,* that the law relating to the establishment of cartways in this State shall obtain in Number Six Township and shall be vested in the board of supervisors of said township and the commissioners Proviso: operation of provision.

Rights, powers, authorities and privileges vested.

Proviso: cartways.

of Cleveland County in the same manner and with the same authority as if the foregoing chapter had never been passed for said township."

SEC. 2. That chapter six hundred and fifty, Public Laws of one thousand nine hundred and nine, be further amended by adding the following sections preceding section fifteen on page one thousand and thirty-six as follows:

Power to locate and build roads.

"Sec. 14-A. That the highway commission of Number Six Township may survey, lay out, grade, build, construct, and erect, sand, clay, gravel, macadam, rock, bitulithic roads or streets, or either or all of same, and said highway commission shall have the power, right and authority to extend same throughout any portion of said township and to enter upon the land or premises of any person in said township and take and remove therefrom sand, clay, gravel, rock, top soil, or any other formation needed in the construction of said road or roads; and if the highway commission and the owner or owners of said land can not agree as to the damages, if any, the highway commission shall within sixty days after the completion of said road past the premises for which damages is asked cause to have summoned three freeholders in said township who shall go upon the land and assess the damages and benefits under the general law as it now exists: *Provided*, that notice shall be given, the right of appeal exist, and the other provisions obtain as now provided in chapter six hundred and fifty, Public Laws of one thousand nine hundred and nine.

Entrance on land for material.

Proceedings for settlement of damages.

Entrance on land for preservation of road.

"Sec. 14-B. That wherever the highway commission has caused to be constructed or graded a road in Number Six Township, or may hereafter cause a road to be built, graded or constructed, it shall have the power, right and authority to enter upon the land on either side of said road and have the timber on same cut and removed for such distance on either side as will permit the air and sunshine to reach said road to keep it dry and preserve it in good condition: *Provided, however*, that timber shall never be cut back from said road by the highway commission a greater distance than one hundred feet on either side, and *provided further*, that said timber so cut shall be the property of the owner of said land, and in addition thereto the owner of said land shall be entitled to have his damages ascertained, if any he has sustained in the event the owner and the commission can not agree as to damages, in the same manner as above provided for ascertaining damages for the removal of clay, sand, gravel, etc."

Proviso: limit of power.

Ascertainment of damage.

Road map.

SEC. 3. That section sixteen, chapter six hundred and fifty, Public Laws of one thousand nine hundred and nine, be amended by striking out the word "shall" in line seven of said section and inserting the word "may" in lieu thereof.

Convicts subject to road work.

SEC. 4. That chapter six hundred and fifty, section twenty-one, Public Laws of one thousand nine hundred and nine, be amended

by inserting after the word "prison" in line three and before the word "and" the following: "From the superior court, recorder's court, courts of justices of the peace, or any other court in Cleveland County, or from any county in the State from a court having jurisdiction to sentence."

SEC. 5. That chapter six hundred and seventy, Public Laws of one thousand nine hundred and nine, relating to a bond issue for roads for Cleveland County be and the same is hereby repealed. Bond law repealed.

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

Ratified this the 14th day of February, 1911.

### CHAPTER 158.

#### AN ACT TO ESTABLISH A RECORDER'S COURT IN THE TOWN OF HENDERSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special court for the trial of petty misdemeanors committed in the town of Henderson in Henderson Township, Vance County, and for the trial of certain civil actions in Vance County and to be designated as the "Recorder's Court of the town of Henderson" is hereby created and established. Special court created.

SEC. 2. Said court shall be a court of record, and shall be presided over by the mayor of the town of Henderson, and, in his absence or sickness by the mayor *pro tem* of said town, and the clerk of the superior court of Vance County shall be the clerk of said court, and the said clerk may perform the said duties through or by his deputy clerk. Court of record.  
Mayor to preside.  
Clerk of court.

SEC. 3. The court shall hold daily sessions, Sundays excepted, at the mayor's office in the town of Henderson. Sessions.

SEC. 4. Said court shall have a seal with the impression "Recorder's Court of the town of Henderson," which seal shall be used in attestation of writs, warrants, summons or other proceedings, acts or judgments of said court whenever required, and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina. Seal.

SEC. 5. The jurisdiction of said court shall be as follows: Jurisdiction.

(a) Said court shall have final, exclusive, original jurisdiction of all criminal offenses committed within the town of Henderson which are now within the jurisdiction of the justices of the peace or which may hereafter be within the jurisdiction of the justices of the peace. Criminal offenses within jurisdiction of justice of the peace.

(b) Said court shall have final, exclusive, original jurisdiction of all violations of the town ordinances committed within the limits of the town of Henderson. Violation of town ordinances.

Criminal offenses  
in Henderson  
Township.

(c) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed within Henderson Township, outside of the corporate limits of the town of Henderson, which are now or may hereafter be within the jurisdiction of the justices of the peace.

Further jurisdic-  
tion.

Enumeration of  
subjects.

(d) Said court, in addition to the jurisdiction conferred in subsections (a), (b) and (c) of this section, shall have final, exclusive, original jurisdiction of the following criminal offenses, to wit: Carrying concealed weapons; gaming; gambling; keeping gambling tables and houses; keeping bawdy houses and disorderly houses; the larceny of and the receiving stolen goods, knowing them to be stolen, when the property stolen does not exceed ten dollars in value; failure to list taxes; assault and battery with a deadly weapon, or where serious damage is done; fornication and adultery; abandonment; failure to provide adequate support; cruelty to animals; malicious injury to real or personal property; trespassing on land after forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes to a minor; obtaining advances by a false pretense; disposing of mortgaged property; maintaining nuisances; all crimes against public health, as contained in The Revisal of one thousand nine hundred and five from section three thousand four hundred and forty to three thousand four hundred and forty-eight inclusive, and all acts amendatory thereof and not within the jurisdiction of justices of the peace; all misdemeanors as contained in chapter eighty-one of The Revisal of one thousand nine hundred and five, or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year, and which are not within the jurisdiction of justices of the peace; and all crimes which at common law are misdemeanors, wherein the punishment is in the discretion of the court; and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment thereof shall be as now prescribed by law.

Jurisdiction as  
committing  
magistrate.

(e) In any other criminal matter wherein said court has not final jurisdiction it shall have power and it is hereby fully authorized to hear and bind over to the proper court all persons charged with any crime committed within the town of Henderson or Henderson Township, whereof the preliminary investigation is now conferred on justices of the peace or the mayor of the town of Henderson, and to render such judgment in such matters as now provided by law: *Provided*, that in any case where prosecution has been commenced prior to the ratification of this act the court in which said prosecution has been instituted shall have jurisdiction thereof, and any and all cases heard by the mayor as recorder of the court established by this act as committing magistrate against any per-

Proviso; prose-  
cutions heretofore  
commenced.

son or persons for any offense whereof said court herein established has not final jurisdiction, in which probable cause of guilt is found, such person or persons so charged shall be bound in bond or recognizance with sufficient surety, if the crime be bailable under the law, to appear at the next term of the superior court of Vance County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Vance County to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Vance County to await the action of the superior court thereof.

(f) Said mayor as recorder shall have all the power and jurisdiction and authority now conferred by law upon justices of the peace or the superior court of Vance County to sentence any person convicted in said court of a misdemeanor for which the punishment prescribed by law is imprisonment to be worked on the public roads of said county, as now or may hereafter be provided by law. Power to sentence to road work.

(g) Warrants may be issued by the mayor as recorder of said court for any person or persons charged with commission of any criminal offenses of which the said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the superior court of Vance County; and upon such appeal the trial in the superior court shall be *de novo*. Warrants.  
Appeals.

(h) The said recorder's court shall have jurisdiction of any and all criminal offenses as hereinbefore in this section enumerated, which have been committed before the ratification of this act, and of which no court has taken jurisdiction. Jurisdiction of crimes heretofore committed.

SEC. 6. The costs of serving warrants, subpoenas, summonses and other process issued by said court shall be the same as now fixed by law, and shall be paid to the officers performing such services; that in every case within the original jurisdiction of the said court which shall be tried or disposed of by said court a special fee for the use of the recorder of three dollars shall be taxed in the bill of costs as other costs are taxed, and such other costs shall be allowed in said court as are in like proceedings allowed in the courts of justices of the peace; and every defendant convicted, adjudged guilty or who pleads guilty in said court shall be taxed with the costs of the prosecution as now prescribed by law. The clear proceeds of all fines and forfeitures collected by said court shall be paid to the treasurer of Vance County and shall be held by him for the purposes now provided by law. Costs.  
Tax fee for recorder.  
Fines and forfeitures.

SEC. 7. The warrants, summons, subpoenas and other process issued by said court or its clerk shall be directed to the chief of police or any police officer of the town of Henderson or any other lawful officer of Vance County, and service thereof shall be lawfully made in Issuance and service of process.

any part of Vance County, when made by the sheriff of said county or any township constable of said county or any police officer of the town of Henderson or, in the absence of such officers by any proper person specially deputed by the recorder in writing to make service; and said warrants, summons, subpoenas and other process of said court, when attested by the seal of said court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.

Commitments.

SEC. 8. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is a fine or imprisonment, or imprisonment and costs, the recorder may commit to the common jail of Vance County or sentence the defendant to be worked upon the public roads of the county of Vance until such sentence has been complied with and shall issue commitment of the defendant in accordance with the judgment of said court.

Recorder to  
preside.

SEC. 9. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of such court shall be the same as are now prescribed for justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty, to the next ensuing term of the superior court of Vance County for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond with sufficient surety, to be fixed by the recorder, conditional for the defendant's appearance at such court, and in default thereof the recorder shall commit such defendant to the common jail of Vance County until said defendant shall give bond or shall be otherwise discharged according to law.

Proceedings.

Right of appeal.

Bond on appeal.

Jurisdiction for  
recovery of  
penalty.

SEC. 10. Said court shall also have jurisdiction to try all actions for the recovery of any penalty or penalties imposed by law or this act or by any ordinance of the town of Henderson for any act done within said town of Henderson contrary to law or said ordinances, and said penalty or penalties shall be recovered in the name of the town of Henderson.

Cases now  
pending.

SEC. 11. That no cases which are pending in the superior court of Vance County at the time this act goes into effect shall be transferred to the said court herein established, but the same shall be disposed of in that court; and all cases pending before justices of the peace of said county shall be tried and disposed of by said justices' courts in accordance with the law as it existed before the time of the ratification of this act.

Prosecuting  
attorney.

SEC. 12. That the board of town commissioners of the town of Henderson may, in their discretion, appoint a prosecuting attorney for said court established by this act and such prosecuting attorney shall, while in the discharge of the duties of his said office, be

clothed with every power necessary for the proper discharge of the duties thereof; his compensation to be fixed by said board and the same, when fixed, shall be taxed with the costs of the trial in each case, and said board shall also fix his term of office.

Compensation.

Term of office.

SEC. 13. Said court shall have jurisdiction and powers in all civil matters arising in said county of Vance which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have concurrent original jurisdiction of all other civil actions arising in said county out of contract, where the sum demanded does not exceed the sum of five hundred dollars, and those arising out of tort where the value of the property or the sum or amount in controversy does not exceed two hundred dollars.

Civil jurisdiction.

SEC. 14. Any person desiring to appeal to the superior court in a civil action from a judgment of this court shall be allowed to do so in the same manner as now provided for appeals from the courts of justices of the peace.

Appeals.

SEC. 15. All civil actions shall be commenced in said court by summons issued by the clerk of the superior court of Vance County, or his deputy, and shall be returnable the first Monday after service: *Provided*, service shall be had five days before the return day thereof. The plaintiff shall file a written complaint on the return day of such summons. The defendant shall file a written answer or demurrer within five days after the return day of the summons, and the case shall stand for trial on the first Monday after the return day thereof.

Process in civil actions.

Proviso: return day.

Pleadings.

Trial.

SEC. 16. All judgments in civil actions, except those for costs only, rendered by the court shall be docketed in the office of the clerk of the superior court of Vance County and shall thereupon become liens and executions shall issue thereon, as is now provided by law for executions issuing from superior court.

Judgments docketed.

SEC. 17. In all actions and matters where a justice of the peace does not have exclusive original jurisdiction the plaintiff in such actions may bring original suit either in the court established by this act or in the superior court of Vance County, at his election.

Election by plaintiff.

SEC. 18. That the recorder of said court shall not by virtue of his office as mayor or recorder be prevented from practicing law in matters in which he is in no way connected by reason of the said office, or in any other courts of the State in matters which have not been or will not be heard by him as such court; that the clerk of said court shall not be deprived of holding other offices, the duties of which will not interfere with his performing the duties of said office of clerk.

Recorder may practice law.

SEC. 19. That all judgments, orders and decrees of the said court established by this act shall be of the same force and validity as like judgments, orders and decrees of the superior courts of the

Force of judgment, orders and decrees.

Proceedings for contempt.

State. Said court in all proceedings for contempt and as for contempt in matters affecting said court, shall possess every power conferred by law upon other courts of record in like proceedings; and said court is hereby clothed with every power usually possessed by other courts of record of this State which may be necessary for the fullest and freest exercise of the specific powers herein conferred.

Fees of clerk.

SEC. 20. Said clerk shall receive the same fees now allowed clerks of the superior court for issuing sermons, filing papers, docketing judgments, making out costs, etc.; and a fee of two dollars and fifty cents for the use of the recorder shall be taxed in all civil cases tried by him in addition to the regular fees now allowed justices of the peace in like actions.

Fees of recorder in civil actions.

SEC. 21. This act shall not in any way conflict or change the charter of the town of Henderson, but shall be an act in aid of, and establishing a court with additional powers.

Effect of act.

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

SEC. 23. This act shall be in force from and after its ratification.

Ratified this the 14th day of February, 1911.

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#### CHAPTER 159.

AN ACT TO HOLD AN ELECTION IN TOPSAIL TOWNSHIP, IN THE COUNTY OF PENDER, TO DETERMINE WHETHER THE SURPLUS OF ONE THOUSAND TWO HUNDRED AND SIXTY DOLLARS AND SIXTY-TWO CENTS REMAINING AFTER THE PAYMENT IN FULL OF THE BONDED INDEBTEDNESS OF THE SAID TOWNSHIP SHALL BE EXPENDED FOR THE USE OF SCHOOLS OR ROADS OF SAID TOWNSHIP.

*The General Assembly of North Carolina do enact:*

Election ordered.

Date.

Question to be determined.

SECTION 1. That an election shall be held in Topsail Township, in the county of Pender, on the second Tuesday in May, to determine whether the surplus of one thousand two hundred and sixty dollars and sixty-two cents, remaining after the payment in full of the bonded indebtedness of said township to the W. N. and N. Railroad, both principal and interest, shall be expended for the schools or the roads of said township.

Appointment of election officers.

SEC. 2. That it shall be the duty of the county commissioners of Pender County, on the first Monday in April, to appoint registrars and judges of election for the upper and lower divisions of said township, who, before entering upon their duties, shall be sworn by some officer qualified to administer an oath, to faithfully and impartially perform the same.

SEC. 3. That the election shall be conducted under the laws governing the last general election. Law governing election.

SEC. 4. That there shall be one box in which the ballots shall be deposited. Ballot box.

SEC. 5. That the county commissioners shall furnish the registrars with the poll books of the last election held in the township. Poll book.

SEC. 6. That every person favoring expending said surplus for schools shall vote a ballot having written or printed upon it "For Schools," and every person in favor of expending said surplus for roads shall vote a ballot having written or printed upon it "For Roads." That the polls shall open at six a. m. and close at five p. m., and the judges of election shall certify above their signatures to the county commissioners and register of deeds the number of ballots cast for schools and the number of ballots cast for roads. Ballots.

That if schools have the majority, the county board of education shall apportion said surplus among the schools of Topsail Township, upon a numerical basis, giving to each school district such sum as shall be ascertained by dividing said surplus by the total number of children in the township who regularly attend the schools and multiplying the quotient by the number of such children in each district thereof. That if "roads" shall have a majority, the public roads shall be divided into sections, the length of each section to be the length of the school district through which it passes, and there shall be given to each section such sum as shall be ascertained by dividing said surplus, less the expense of holding said election, by the number of such sections in the township. That if the roads have a majority of the votes, J. T. Foy, W. C. Johnson and W. D. Howard are hereby appointed road commissioners, who shall have full authority to expend the aforesaid surplus in a manner in their judgment the most substantial and economical, giving to each section the same amount, two of whom shall constitute a quorum, and in any disagreement of opinion as to the best methods of improvement of said roads, two shall decide, but they shall first organize by electing one of themselves chairman, and another of themselves secretary, and upon the final disbursement of the fund, they shall make a full report to the clerk of the superior court of Pender County. Certificate of result.

Apportionment to schools.

Apportionment to roads.

Road commissioners.

Organization.

Final report.

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

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

Ratified this the 14th day of February, 1911.

## CHAPTER 160.

AN ACT RAISING THE AGE LIMIT OF WORKING THE PUBLIC ROADS OF THIS STATE FROM EIGHTEEN TO TWENTY-ONE YEARS.

*The General Assembly of North Carolina do enact:*

Counties included.

SECTION 1. That section two thousand seven hundred and twenty-five of The Revisal of one thousand nine hundred and five be amended by adding the words "Henderson, New Hanover, Sampson and Bladen" after the word "Columbus," in line three of said section.

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

Ratified this the 14th day of February, 1911.

## CHAPTER 161.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE; AND CHAPTER TWO HUNDRED AND THIRTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AUTHORIZING THE HIGHWAY COMMISSION OF VALLEYTOWN TOWNSHIP, IN CHEROKEE COUNTY, TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ten of the Public Laws of North Carolina, session of one thousand nine hundred and five, be amended as follows: Strike out all of section two of the said chapter and insert in lieu thereof the following:

Powers of highway commission.

"Sec. 2. Said highway commission shall have the same supervision, powers and rights in respect to all the public roads in Valleytown Township as has heretofore been vested in either the board of supervisors of public roads or in the board of county commissioners of Cherokee County, except as such laws are modified herein. They shall have full power and authority to order the laying out of public roads, where necessary in its judgment, and to discontinue such as shall be found useless, and to alter roads so as to make them more useful. They shall also have power and authority to lay out cartways, church and mill roads, and to alter or discontinue the same in the way and manner provided in the general law, except as such laws are modified herein.

Cartways, church and mill roads.

"Whenever it shall appear to the highway commission that any

public road ought to be improved or re-located, or that any new public road ought to be established, constructed and improved, the highway commission shall have the right, by their superintendent, engineer or other employees to enter upon the lands of any person and make such surveys as they may deem necessary to ascertain the most practicable route. When the highway commission shall receive the report of such survey together with such maps, estimates and specifications as may accompany the same, such report, when considered, if approved and adopted by the highway commission, the public road or improvement described in the report shall thereby become established, and the necessary rights-of-way, together with the material for the construction thereof, shall thereby become condemned for the public use.

Entrance on land for surveys.

Reception and approval of report.

“Any person who shall obstruct or interfere with the road superintendent or any engineer or other employee of the highway commission in making any survey as aforesaid, or who shall interfere or obstruct the road superintendent or any engineer or other employee or any contractor or their employees in the construction or improvement of any road, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars for each offense or imprisonment not more than thirty days, or both, in the discretion of the court. And the highway commission may employ an attorney to prosecute any such offender.

Obstruction of officers a misdemeanor.

Punishment.

“The superintendent of roads or any other employee of the highway commission may enter upon the lands of any person and open any quarries, and take away any stone, earth, gravel or timber from any place most convenient, accessible or desirable on account of the quality of the material desired, except trees planted or left for ornamental purposes. And the rights and privileges granted by this section to the employees of the highway commission shall be given to any contractor working for the commission, and to any of his employees.

Entrance on land for material.

Rights extended to contractors.

“Any landowner feeling himself aggrieved by the re-location or construction of any new public road or by the taking of any material from his land for road construction as herein provided, may, within sixty days after such construction or improvement is completed, or such material is taken, make application to the highway commission for an assessment of damages and benefits caused by the taking of his property in the construction and improvement as aforesaid.

Application for assessment of damages.

“Within thirty days after the application for the assessment of damages has been made to the highway commission, it shall order the sheriff or other lawful officer to summon a jury of three disinterested freeholders who shall, after having given notice to the landowner, his tenant or agent in charge, and being duly sworn, shall go upon the ground and take into consideration the damages

Proceedings for assessment of damages.

claimed or done, as well as the benefits accruing to the said property by reason of the construction or improvement of the public road leading over the same, and the difference between the two sums shall be their verdict. If the damages awarded for a right-of-way shall exceed the benefits, it shall be the duty of the secretary of the highway commission to draw an order on the treasurer of Cherokee County for the amount, and the treasurer of Cherokee County shall pay said order out of the general county fund. Damages awarded for road material taken shall be paid for by the commission: *Provided, however,* that if either the highway commission or the landowner be dissatisfied with the verdict of the jury, they shall have the right of appeal to the superior court of said county."

Proviso: right of appeal.

Automatic gates.

SEC. 2. Whenever the highway commission shall deem it expedient, they are authorized to erect and maintain automatic gates, when building new roads through enclosed lands or fields, at the entrance and exit thereof. Any person who shall leave open any gate which may have been constructed across any public road or shall interfere with or injure any such gate, its fastenings or appurtenances, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days, or both, in the discretion of the court. Such gates may be discontinued at any time by agreement between the landowner and the highway commission. In the laying out of cartways and church roads the manner of procedure shall be followed as laid down in sections two thousand six hundred and eighty-nine to two thousand six hundred and ninety, both inclusive, Revisal of one thousand nine hundred and five.

Leaving gates open a misdemeanor.

Punishment.

Discontinuance of gates.

Cartways and church roads.

SEC. 3. That chapter two hundred and thirty-seven, Public Laws of one thousand nine hundred and nine, be amended by striking out after the word "sufficient," in line seven of section fifteen and before the word "to," in line eight, the words "not exceeding twenty-five thousand dollars," and inserting in lieu thereof the words "not exceeding ten per centum of the assessed value of all the taxable property in said township."

Amount of bond issue.

SEC. 4. That the bonds herein authorized shall be issued under all the conditions named in said chapter two hundred and thirty-seven of the Public Laws of one thousand nine hundred and nine, except that no election shall be required as prescribed in sections sixteen to twenty-two, both inclusive, of said chapter. *And provided further,* that the time to run of said bonds shall be as fixed by the highway commission, and it shall not be required that said bonds shall fall due serially as provided in section twenty-six of said chapter two hundred and thirty-seven of the Public Laws of one thousand nine hundred and nine.

Bond issue without election.

Maturity of bonds.

Issuance of bonds.

SEC. 5. Whenever a portion of the bonds herein authorized are issued, the highway commission shall cause a resolution passed by

them to be spread upon their minutes, stating the amount of the bonds to be issued, the rate of interest, the time of maturity, and any other particulars in connection therewith. A certified copy of said resolution shall be transmitted to the register of deeds of Cherokee County, who shall cause the same to be recorded in the minutes of the board of county commissioners, for their information and future guidance.

SEC. 6. Whenever it shall appear to the highway commission to be for the public interest for it to co-operate with the road authorities of any adjoining or contiguous county, township or road district, they are hereby authorized to enter into such agreements as they may deem proper, providing for the establishment, construction and maintenance of through highways across and over intervening or neutral territory, not under the jurisdiction of either of the said contracting parties. And the same rights and authority herein granted for the establishment of public roads, and the acquisition of rights-of-way and road material by the highway commission, shall be held to extend to and cover the route of said highway through such intervening or neutral territory. Co-operative work.

SEC. 7. That all laws in conflict with this act are hereby repealed so far as any such laws may conflict with the provisions of this act.

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

Ratified this the 15th day of February, 1911.

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## CHAPTER 162.

### AN ACT TO CREATE A NEW TOWNSHIP IN NASH COUNTY, TO BE KNOWN AS OAK LEVEL TOWNSHIP.

*The General Assembly of North Carolina do enact :*

SECTION 1. That a new township be and the same is hereby created in the county of Nash, to be known as Oak Level Township, to be formed of parts of Stony Creek, Cooper's and Nashville townships, in said county, with the polling and voting place to be at Oak Level. New township created.

SEC. 2. That the boundary lines of said Oak Level Township shall be as follows: Beginning at Lemmon's bridge on Tar River; thence up Tar River to the mouth of Sappony Creek; thence up said creek to Murphy's Mill; thence in a northerly direction along the said mill road to Thomas Eason's northern line; thence along said Eason's line in a westerly direction to J. M. Barnes's line; thence along said Barnes's southern line in a westerly direction and around said Barnes's line to J. D. Jones's line; thence along said Jones's line Boundary.

to the Rocky Mount and Raleigh road; thence along said road still in a westerly direction to Barnes's bridge on Sappony Creek; thence up the various courses of said creek to where the Guss Branch empties into said creek; thence up said Guss Branch to the Rocky Mount road at Cockrell's old gin pond; thence along the Rocky Mount road in a northeasterly direction to near the Rocky Mount and Spring Hope branch of the Atlantic Coast Line Railroad; thence in a northerly direction along the lines of the lands of late J. R. Harper and Buck Harper to Stony Creek; thence down the various courses of said creek in an easterly direction to Hunter's Branch on the Halifax road; thence along said Halifax road in a southern direction to the beginning at the said Lemmon's bridge on Tar River.

Corporate rights.

SEC. 3. That the Oak Level Township shall have all the rights, powers and privileges now or hereafter granted to townships by law.

Construction of act.

SEC. 4. That nothing in this act contained shall be construed as in any way whatever affecting, altering, changing or modifying the provisions of chapter eight hundred and thirty-three of the Public Laws of one thousand nine hundred and nine, entitled "An act to provide for the construction, repair and maintenance of the public roads of Nashville Township, Nash County," or to the tax levy authorized within the boundaries as now constituted of Nashville Township and bonds issued under said act, or to any amendment to the said act, relating to said road districts, tax levy or bond issue that may be hereafter made. Nor shall the provisions of this act be construed as in any way whatever modifying, affecting, altering or changing the tax levy now authorized by law or bonds issued by any other road district or road commissions in said county of Nash.

Justices appointed.

SEC. 5. That J. W. Joyner, Kenneth E. Bone and John A. Snyder be and they are hereby appointed justices of the peace for said township, and they shall hold office for the term of four years from and after December the first, one thousand nine hundred and ten.

Term of office.

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

Ratified this the 15th day of February, 1911.

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### CHAPTER 163.

#### AN ACT TO BUILD AN IRON BRIDGE OVER THE DIVIDING STREAM BETWEEN THE COUNTIES OF ROWAN AND DAVIE.

Preamble.

Whereas, public roads have been regularly laid off in the counties of Rowan and Davie, according to law, to the banks of a stream known as the South Yadkin River, at a point about nine and one-

half miles from the town of Salisbury, and about nine and one-half miles from the town of Mocksville, known as the village of South River, at the old ford and Lindsay Mill;

And, whereas, the said South Yadkin River divides the counties of Rowan and Davie from each other; Preamble.

And, whereas, the ford at said place is only fordable a very small portion of the time of each and every year; Preamble.

And, whereas, the said ford is always dangerous and unsafe; Preamble.

And, whereas, there is a public ferry at said place which charges toll for ferriage; Preamble.

And, whereas, it appears that a public bridge at said place is a necessity; now, therefore, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of the counties of Rowan and Davie are hereby authorized, empowered and directed to contract for, and expend, a sum not to exceed the sum of six thousand (\$6,000) dollars, in the construction of an iron bridge across the South Yadkin River, the dividing stream between the counties of Rowan and Davie, at a place known as the village of South River, and about nine and one-half miles from the respective county seats of each county. Contract for bridge directed. Limit of expense. Location.

SEC. 2. That the charges for building said bridge shall be defrayed by both counties, Rowan and Davie, in proportion to the number of taxable polls in each county; and the keeping and repairing of said public bridge after the construction thereof shall be a charge on each of said counties and defrayed by each, in proportion to the number of taxable polls in each county. Apportionment of expense.

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

Ratified this the 15th day of February, 1911.

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#### CHAPTER 164.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND FIFTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE PAY OF WITNESSES AND JURORS IN CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-six of the Public Laws of the session of one thousand nine hundred and seven, be and the same is hereby repealed. Law repealed.

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

Ratified this the 15th day of February, 1911.

## CHAPTER 165.

## AN ACT TO PROHIBIT PUBLIC DRUNKENNESS IN TRANSYLVANIA, GRAHAM, FORSYTH, ROBESON AND PITT COUNTIES.

*The General Assembly of North Carolina do enact:*

Misdemeanor.

SECTION 1. That any person found drunk or intoxicated on the public highway or public road, or at any public meeting, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifteen dollars, or imprisoned not exceeding ten days.

Punishment.

Issue and execution of warrant.

SEC. 2. That upon complaint before any justice of the peace he shall forthwith issue a warrant for the arrest of the accused, and in the absence of any duly authorized officer to execute said warrant shall deputize any citizen to execute the same.

Application of act.

SEC. 3. That this act shall apply only to the counties of Graham, Forsyth, Transylvania, Robeson and Pitt.

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

Ratified this the 16th day of February, 1911.

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 CHAPTER 166.

## AN ACT TO CORRECT A MISTAKE IN CHAPTER EIGHT HUNDRED AND FORTY-NINE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO COMPENSATION OF COUNTY OFFICERS OF CLEVELAND COUNTY.

*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. That, whereas, the General Assembly of North Carolina, at its session in one thousand nine hundred and nine, passed an act entitled "An act to regulate the compensation of county officers of Cleveland County, North Carolina," the same being chapter eight hundred and forty-nine of the Public Laws of one thousand nine hundred and nine, said act regulating the compensation of the county officers of said county; and, whereas, from an examination of the record it appears that as said act passed the House of Representatives, section seven thereof provided that it should go into effect on the first Monday in December, one thousand nine hundred

Preamble.

and nine, and when said act was sent to the Senate an amendment was offered striking out "one thousand nine hundred and nine" and inserting "one thousand nine hundred and ten" in both line four and line seven of said section seven, and thus amended passed the Senate and was sent to the House for concurrence, and the House concurred in said amendment; and, whereas, it further appears that when the act went to the enrolling clerk's office the amendment substituting "ten" for "nine" in line seven of section seven, which affected the compensation of the sheriff of said county was made, and the act foregoing, as thus erroneously enrolled, was signed and printed in the statutes; and, whereas, the legislature never passed the act in this form, the purpose of this act is to correct said error, and chapter eight hundred and forty-nine of Public Laws, one thousand nine hundred and nine, be and is hereby amended by striking out "nine" and substituting "ten" in line four of section seven of said act.

Preamble.

Preamble.

Correction.

SEC. 2. That the commissioners of Cleveland County are hereby empowered and authorized to make settlement with the register of deeds and treasurer of said county for their services from the first Monday in December, one thousand nine hundred and nine, to the first Monday in December, one thousand nine hundred and ten, in accordance with the above correction, and issue warrants for same, which warrants shall be paid by the county treasurer: *Provided*, that the board of county commissioners shall have the right to regulate the percentum to be paid the treasurer upon receipts and disbursements from first Monday in December, one thousand nine hundred and nine, to first Monday in December, one thousand nine hundred and ten, and allow to said treasurer such sum in addition to what he has already received as may to them seem just and which will, in the judgment of the county commissioners, fully compensate the treasurer for such services rendered by him as has not been paid for by virtue of the error referred to in section one of this act: *Provided, further*, that said board of county commissioners shall have the right to regulate the compensation of the register of deeds for services as clerk to the board of county commissioners in computing the tax list and preparing receipts for the same, and for doing such other work for the board of county commissioners as was not fixed at a definite sum by law prior to December, one thousand nine hundred and nine.

County commissioners to make settlement.

Proviso: county treasurer.

Proviso: register of deeds.

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

Ratified this the 16th day of February, 1911.

## CHAPTER 167.

AN ACT TO AMEND SECTION ONE THOUSAND TWO HUNDRED AND EIGHTY-THREE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section one thousand two hundred and eighty-three of The Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting between the words "Pitt and Richmond," in line fourteen of said section, the word "Polk."

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

Ratified this the 16th day of February, 1911.

## CHAPTER 168.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-THREE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATING TO THE ISSUING OF BONDS TO PAY THE FLOATING DEBT OF ALAMANCE 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:*

Special tax for interest and sinking fund.

SECTION 1. That section three of chapter one hundred and sixty-three of the Public Laws of one thousand nine hundred and three be stricken out and the following inserted in lieu thereof, to wit: That the commissioners of said county are hereby empowered at the time of levying other county taxes to levy annually an additional special tax of four cents on every one hundred dollars (\$100) worth of taxable property, real and personal, in said county to pay the interest on said bonds and to provide a sinking fund for the payment of the principal of said debt and the costs and charges incident to said tax until the final payment of said bonds shall be provided for as herein set out. That the said tax shall be levied and collected as other public taxes are levied and collected in said county.

Rate.

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

Ratified this the 17th day of February, 1911.

CHAPTER 169.

AN ACT TO CREATE THE WAKE COUNTY ROAD IMPROVEMENT COUNCIL FOR THE PURPOSE OF IMPROVING THE ROADS OF SAID COUNTY AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purposes hereinafter set out the Wake County Road Improvement Council, composed of the following-named persons, is hereby created: R. H. Lewis, A. A. Thompson, J. G. Ball, George Markham, W. L. Poteat, W. D. Sandlin, B. S. Jerman, Euge Bartholomew, Dr. L. B. Young, N. W. Hatch, Chas. E. Johnson, J. A. Stallings, L. P. Sorrell, George Parker, W. N. Jones, M. A. Stevens, G. B. Alford, W. A. Cooper, Geo. B. Norwood, Dr. N. M. Blalock, G. M. Bell, J. B. Pierce, B. W. Burt, Charlie Williams, K. P. Johuson, J. B. Daniely, J. M. Templeton, A. B. Hunter, M. A. Griffin.

Wake County Road Improvement Council created.  
Members named.

SEC. 2. That said Wake County Improvement Council is hereby created a body corporate under the name and style of the Wake County Road Improvement Council, and the members thereof shall hold office until the funds hereinafter provided for by the sale of bonds shall have been exhausted in the work for which they are raised.

Incorporation.  
Corporate name.  
Term of office.

SEC. 3. That in the event of a vacancy on said council, either by death or resignation, the same shall be filled by a vote of the majority of the remaining members of said council from the township of the retiring member; the said council shall serve without pay, and before entering upon the discharge of their duties they shall take an oath as required by law faithfully to perform the duties of their said office.

Council to fill vacancies.  
Council to serve without pay.  
Oath of office.

SEC. 4. The said Wake County Improvement Council shall meet in the city of Raleigh, as soon as may be after the adoption of this act, in the court-house, and they shall elect a chairman and a clerk and all their proceedings shall be by the clerk recorded in a book to be provided for said purpose; the said clerk shall likewise act as clerk for the executive and finance committee hereinafter to be created, who shall record transactions of the latter named committee in the same book, which shall be at all times open to the inspection of the commissioners and auditor of Wake County. It shall be the duty of the board of commissioners for said county, whenever petitioned by two-thirds of the members of the said improvement council so to do, to order an election in Wake County at such time as said council shall determine, for the purpose of ascertaining the will of the people in said county upon the question of issuing not to exceed three hundred thousand dollars of bonds for the permanent

Meeting.  
Organization.  
Record of proceedings.  
Clerk of executive and finance committee.  
County commissioners to order election.

Question to be voted on.

Law governing election.	improvement of the roads of said county, which said election shall be conducted as prescribed in chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and nine, and the board of county commissioners may further adopt such rules and regulations for the conduct of said election as may not be inconsistent with said law; and if at said election the people shall vote for the issuance of said bonds, it shall be the duty of the board of
Issue of bonds if voted for.	county commissioners to issue said bonds in conformity with said chapter two hundred and eighteen of the Public Laws of one thousand nine hundred and nine, and the provisions of this act hereinafter set forth. The said council shall then employ a competent
Road engineer and assistants.	road engineer and surveyor and such assistants as he shall need to make the estimates of the road work to be done by means of the money arising from the sale of the bonds hereinafter provided for.
Selection of roads.	The said commission at its first meeting shall designate the various public roads in the county which shall be improved with the funds
Character of work and length of roads.	hereinafter provided for; they shall likewise determine the character of work to be done on said roads and the number of miles which
Copy of minutes furnished engineer.	shall be covered. A copy of the minutes of the said meeting, setting forth the names of the roads to be improved hereunder, and the number of miles and the material intended to be used, shall be furnished to the said road engineer and the said road engineer shall
Preliminary report and estimates.	forthwith make a preliminary survey of the said roads and he shall make reports as soon as possible after accomplishing said work to an adjourned meeting of the said council, and in said report he shall give an estimate of the cost of the work proposed to be done
Meeting to consider report.	on the various roads so selected. As soon as said report shall have been presented to the chairman of said council, he shall immediately call together the entire council to meet in the city of Raleigh at some designated time.
Final selection and designation of road work.	SEC. 5. At the second meeting of the said council to receive the report of the road engineer the said council shall take final action in the premises. It shall then definitely select the public roads to be improved and designate the number of miles on each road and the
Appropriations for each road.	kind of material to be used, and they shall appropriate to each separate public road so selected the sum of money set apart for said purpose, and no more, and thereafter, if the money appropriated for each separate road shall be inadequate for the purpose intended, no more funds of the said bond issue hereinafter provided for shall
Executive and finance committee.	be expended on said road.
Term of office.	SEC. 6. In the event said bonds herein provided for shall be issued and sold, said council shall select three of its members, one of whom shall reside in Raleigh, as an executive and finance committee to look after the detail work of the said council, who shall hold office for one year and until their successors are elected and qualified, all vacancies to be filled by the council. The said executive and

finance committee shall appoint a road supervisor, fix his salary and define his duties, and they may remove him at discretion. The said executive and finance committee shall not receive compensation for more than two days' service in any one month, and their pay shall be the same as is now received by the commissioners of the county. By a two-thirds vote of the Wake County Road Improvement Council a vacancy may be declared in the said committee, and a new member elected to fill such vacancy. This vacancy may be created at any time within the discretion of the said two-thirds.

Road supervisor.

Pay of committeemen.

Vacancies.

SEC. 7. The said council shall meet once each year, on the first Monday in January, and it shall likewise meet at such other times during the year as the chairman and five of the members thereof shall designate, upon ten days' notice in writing duly given to all members of the said council by letters addressed to their usual post-office. A quorum for the transaction of business shall be fifteen.

Annual meetings.

Called meetings.

Quorum.

SEC. 8. The said council shall have entire charge and control of the chain-gang and of all other prisoners convicted of crime and sentenced by the court or courts to penal servitude on the said public highways. The executive and finance committee shall elect by ballot a road supervisor for Wake County, fix his compensation and define his duties. The person so elected shall take and subscribe an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of two thousand dollars for the faithful performance of his duties, and for accounting for the money and property which may come into his hands as said supervisor, the bond to be approved by the executive and finance committee, and shall be filed and recorded in the office of the register of deeds for said county; he shall hold office for one year and until his successor is elected and qualified, except that the said executive and finance committee may at discretion remove said supervisor from his office and elect a successor for the unexpired term. He shall enter upon his duties and work when and where directed by said executive and finance committee: he shall direct the laying out of the highways selected by the said commission, with the aid of an engineer experienced in said work; he shall have control over and direct the workings of the convicts in Wake County, and shall also have control over and direct all other labor as may be deemed by the executive and finance committee proper to be employed on said roads; it shall be his duty to employ the overseers of the chain-gang of the convict force, and such other force as it may be deemed by the executive and finance committee expedient to employ, and the necessary servants and guards for the working and caring for of the convicts under and by authority of law. He shall prescribe the duties of the overseers, and may discharge them at any time; all of which duties of the said supervisor shall be subject to the approval of the executive and finance committee.

Control of convict force.

Road supervisor.

Supervisor to qualify and give bond.

Term of office.

Power of removal.

Entrance on duties.

Powers and duties.

Employment of overseers and other forces.

Duties of overseers.

- Secretary. SEC. 9. That said council may, if necessary, elect a secretary who may be a member of said finance and executive committee. The county attorney shall be the legal adviser of said council. The county treasurer shall *ex officio* be treasurer of said council, who shall have power to fix his compensation, unless otherwise fixed by law, and to require such bond as they think sufficient for the protection of such funds as will come into his hands by virtue of this act.
- Legal adviser.
- Treasurer.
- Monthly accounts. Said treasurer shall account monthly for all funds in his hands.
- Reports from officers and employees. The said executive and finance committee shall require, as often as they think best, reports from officers and employees concerning their progress in their duties and to what extent and in what manner they have performed the same.
- Right of condemnation of lands. SEC. 10. That in opening new highways, widening and straightening old roads and repairing the same, the said council, through its agents, is hereby clothed with the power and right of condemnation, the same to be conducted as prescribed in chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and nine.
- Purchase of material. SEC. 11. The said council shall be and it is hereby empowered to purchase in the name of the board of commissioners for Wake County such gravel pits, quarries of stone or other material as may be adjacent to or near the said public highways, and which, in their judgment, shall be necessary in the building, repairing or constructing of said highways, and it may purchase in the name of the said board of commissioners the right-of-way to and from said quarries, gravel pits, or other material necessary to haul or carry said gravel, stone or other material to said highways.
- Right-of-way.
- Sites for plants and camps. SEC. 12. Said council shall also have the right to rent or purchase adjacent land necessary as a site for the crusher plant, or camp of the convict road force used or employed by said council or its agents upon said public highways.
- Entrance on land for materials. SEC. 13. That whenever said council, or its agents, can not agree with the owner for the purchase of any gravel pit, stone quarry, or other material necessary to build or repair said highways, or for lands for the location of the crusher plant or convict camp, it shall have the right at any time to enter upon adjacent lands or quarry, blast, cut or dig or take therefrom any stone, gravel or other material which shall be necessary for building or repairing said highways, and if the owner or owners of the said council, through its agents, can not agree as to the value of the damages done to the owner by reason of the taking of said gravel, stone or other material, then the board of commissioners for Wake County, upon application of the said executive and finance committee, shall direct the sheriff of Wake County to summon freeholders, who shall assess the damages in the same way that benefits and damages are assessed by freeholders when new roads are caused to be opened across the
- Assessment of damages.

lands of the owners, as set out in chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and nine.

SEC. 14. The said council shall have authority to employ a physician at any time to assist the county physician in attending to the convicts working the said public highways, and shall also have power to provide for the care and safe-keeping of said convicts, and to provide all things necessary to carry into effect the provisions of this act.

Employment of physician.

Care and safe-keeping of convicts.

SEC. 15. The said finance and executive committee may purchase tools, machinery, implements and stock and all other things whatsoever deemed by them necessary for the purpose of working the convicts, or hire free labor on said public highways: *Provided*, that no bill or claim shall be paid by said committee till the same shall have been audited and countersigned by the auditor of said county. It shall be the duty of the board of county commissioners, after the issuing and sale of said bonds herein provided for, whenever called upon by the said road improvement council, to turn over to it all convicts, tools, machinery, appliances and road material property and stock which may be in their hands with which they have been preparing material for working the public roads of the county.

Purchase of tools, machinery and stock.

Hire of free labor.

Proviso: audit of claims.

Convicts, machinery and material turned over.

SEC. 16. The said council shall designate the width of the highways to be constructed under this act.

Width of highways.

SEC. 17. That the proceeds of the bonds herein authorized shall be handled and disposed of as follows: Not over one hundred thousand dollars of said bonds shall be sold during any one year, and so much of said sum as is not needed in the construction of the work shall be by the executive and finance committee deposited equally in the banks of Raleigh to bear interest at four per cent for the use of the said road fund; the proceeds of the sale of said bonds shall be paid over to the treasurer of the Wake County Road Improvement Council, to be by him disposed of upon proper vouchers, issued by order of the executive and finance committee when the same have been audited by the auditor of the said county and countersigned. The council at any time after the first issue and sale of bonds, if it deems advisable, and in order to keep up the road work and when the money market is so congested that they are unable to place further bonds at satisfactory prices, borrow money and pledge said bonds as collateral for said loan.

Proceeds of bonds.

Limit of annual sales.

Deposits.

Road orders.

Temporary loans.

SEC. 16. That all expenses incident to the preparation, issue and sale of said bonds and all wages, salaries and other expenditures shall be paid by the said finance and executive committee from and out of the proceeds of the sale of said bonds; and the money arising from the sale of said bonds shall be expended under the direction of the said finance and executive committee in constructing and maintaining roads in said county of Wake: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of such moneys for the purposes aforesaid.

Payment of expenses of bond issue.

Expenditure of proceeds of bonds.

Proviso: duty of purchasers.

Roads may be let to contract.

SEC. 17. The said council is hereby authorized, when in its judgment the best interests of the county may be promoted, to let by contract the building and maintenance of any section or portion of the said highways above designated.

Interest paid from road taxes.

SEC. 18. The interest upon the bonds above issued shall be paid out of the taxes levied and assessed for road purposes in said county, and the residue, after deducting such sums as may have been spent for the erection and maintenance of the bridges, ferries and fords of the county shall, at the beginning of each fiscal year, or whenever the same shall become available, be turned over to the credit of the treasurer of the Wake County Road Improvement Council for the assistance of the works designated in this act.

Surplus taxes to road fund.

Contracts with penitentiary.

SEC. 19. The construction and maintenance of an excellent road system for the central county of Wake, where so many of the citizens of the State frequently assemble, being an object lesson to stimulate road building throughout the State, it is hereby provided that as soon as the penitentiary authorities can do so, a contract be made with the said Wake County Road Improvement Council for the hiring of an adequate number of convicts to be employed to do the work hereinbefore designated at a price to be agreed upon between the parties.

Object of act.

SEC. 20. The object of this act is to enable the people of Wake County, through their representatives above selected, to designate certain important highways or thoroughfares and with the money arising from the sale of bonds and with the convicts and the means and resources provided to construct, lay out, maintain and repair said highways, and not to interfere with the public road law of Wake County in respect to township roads and other roads not covered by this act, and it is therefore provided that this act shall not and does not repeal any portion of chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and nine, not consistent therewith, but so much of the said act as is inconsistent with the spirit and letter of this act is hereby repealed.

Acts not repealed.

General law available if adopted.

SEC. 21. In case a bill entitled "An Act to Encourage Road Building in North Carolina" shall become a law of North Carolina, nothing contained in the provisions of this act shall prevent the board of county commissioners of Wake County from taking advantage of the terms thereof and issuing the bonds of said county under the provisions of said law, instead of issuing the same under the provisions of chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and nine.

Application of act.

SEC. 22. That this act shall apply only to Wake County.

Construction of act.

SEC. 23. That nothing in this act shall be taken or construed as preventing the said board of commissioners for Wake County, its officers and agents, from performing all duties and things relative to the highways and public roads of said county now provided by law by said chapter two hundred and eighty-one of the Public Laws

of North Carolina of one thousand nine hundred and nine, until after said bonds provided for in this act shall have been issued and sold.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

## CHAPTER 170.

### AN ACT TO PROVIDE TOWNSHIP MEETING HOUSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of any county of the State be, and they are hereby authorized and empowered upon the application of the board of supervisors of any township, or a majority of the justices of the peace of any township in their respective counties, to levy and collect a special tax of not more than one thousand dollars (\$1,000) on the property and polls in the township on behalf of which such application is made, for the purpose of erecting a building in such township, for the meetings of the board of supervisors of the township, holding elections, holding public meetings and other public township purposes.

Special township tax authorized.

Amount.

SEC. 2. The said special tax shall not exceed in any one year the sum of five cents on the one hundred dollars valuation of property and fifteen cents on the poll, and shall be levied and collected as other public taxes are levied and collected, and in making said levy the constitutional equation between property and polls shall be observed.

Tax limit.

SEC. 3. That the taxes authorized above shall not be collected until the question of levying the same shall have been submitted to the qualified voters of the township in which such levy is proposed to be made and ratified by a majority of said qualified voters. The election provided for in this section may be either at a general election, or at a special election held for the purposes of this act, and shall be governed in all respects by the general laws governing elections for members of the General Assembly.

Question of tax to be submitted to voters.

Election.

SEC. 4. That no tax shall be levied and collected in any township for the purposes authorized in this act nor any election held as provided in section three of this act until a proper and convenient site for the building herein authorized shall have been tendered to the board of county commissioners for the use and benefit of such township, free of cost to the township.

Site for building donated.

SEC. 5. That this act shall only apply to Pitt and Wilson counties.

Application of act.

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

Ratified this the 17th day of February, 1911.

## CHAPTER 171.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, REGULATING THE FEES OF OFFICERS OF THE COUNTY OF MADISON.

*The General Assembly of North Carolina do enact:*

Reports to county commissioners.

SECTION 1. That section four of chapter two hundred and thirty-two of the Public Laws of one thousand nine hundred and nine, be amended by striking out the words "auditor of Madison County," in lines three and four thereof, and inserting in lieu thereof the words "board of county commissioners of Madison County."

Books kept as prescribed by county commissioners.

SEC. 2. That section five of chapter two hundred and thirty-two of the Public Laws of one thousand nine hundred and nine, be amended by striking out the words "auditor or other proper officer of Madison County," in lines two and three thereof, and inserting in lieu thereof the words "board of county commissioners of Madison County."

SEC. 3. That section six of said chapter two hundred and thirty-two of the Public Laws of one thousand nine hundred and nine, be and the same is hereby stricken out and the following substituted in lieu thereof:

Salary of sheriff.

"That the sheriff of Madison County shall receive a salary of twelve hundred dollars per annum, and he shall be allowed two salaried deputies, one of whom shall be the jailer; that said jailer shall receive a salary of not exceeding thirty dollars per month, and in addition thereto shall be allowed to occupy the residence in the jail building, and the other deputy shall be paid fifty dollars per month for his services; all of whom shall truly, faithfully and diligently perform the duties of said office as provided by law, the same to be in lieu of all fees, salaries and other compensation as sheriff and tax collector.

Deputies.

Extra deputies.

"The said sheriff may appoint one extra deputy for each township in said county, other than No. 1 Township, who shall receive as full compensation for his services one-half of the lawful fees he may collect, the same to be in lieu of all salary and other compensation; the said sheriff shall collect from said deputies one-half of the fees received by them as aforesaid, and shall report and account for the same as is provided for other fees received by him.

Sheriff to collect and account for fees

Sheriff to pay over mileage and allowances.

Said sheriff shall also pay over to said treasurer all fees, mileage and other allowances paid to him by the State of North Carolina, of State institutions, for taking prisoners to the State's Prison or insane persons to the State Hospital, deducting from the amounts paid to him the actual necessary expenses.

“Said sheriff shall receive as full compensation for collecting the last tax list which shall come into his hands for collection before his retirement from office three per cent of the amount actually collected by him according to law: *Provided*, that in case the sheriff shall fail or refuse to make bond for the tax list, then he shall receive a salary of nine hundred dollars per annum, and the tax collector who may be appointed shall receive a salary of one thousand dollars per annum, and in this case the sheriff shall only be allowed one salaried deputy, who shall be jailer, and shall receive the salary hereinbefore provided therefor.”

Commissions as tax collector.

Proviso: salary of tax collector.

SEC. 4. That section ten of said chapter two hundred and thirty-two of the Public Laws of one thousand nine hundred and nine, be and the same is hereby stricken out and the following substituted in lieu thereof:

“That all the salaries herein provided for be paid by the treasurer of Madison County to the persons entitled to receive the same, in monthly installments, upon warrants drawn by the board of county commissioners of said county; and the actual expenses of fuel, clothing, food and the cooking and preparation of said food, for the proper care of the prisoners within the county jail shall be paid by the treasurer of said county, upon warrants drawn by the board of county commissioners of said county.”

Payment of salaries.

Jail expenses.

SEC. 5. That section twelve of said chapter two hundred and thirty-two of the Public Laws of one thousand nine hundred and nine, be and the same is hereby stricken out and the following substituted in lieu thereof:

“That all moneys coming into the hands of the treasurer of Madison County by virtue of this act shall be set apart and held by him as a separate and distinct fund, to be known as the salary fund, out of which shall first be paid the salaries and expenses of the officers of said county as provided in this act, and the residue, if any, shall, on the first Monday of December of each and every year, be transferred to the court-house fund of said county, and applied by said treasurer to the payment of the principal and interest of the court-house bonds of said county. The said treasurer shall open a separate account with each of the several officers of said county, showing the amounts received from each and the amounts paid as salaries and expenses to each, which said accounts shall at times be open to the inspection of the public.”

Salary fund.

Balance to court-house fund.

Separate accounts.

SEC. 6. That section sixteen of said chapter two hundred and thirty-two of the Public Laws of one thousand nine hundred and nine, be and the same is hereby stricken out and the following substituted in lieu thereof:

“That in the event the aggregate amount paid into said salary fund by said officers of said county as aforesaid shall not in any one year amount to as much as the aggregate amount of the sal-

Fees allowed officers if not equaling salaries.

aries and the expenses of said officers, then the said officers shall be entitled to the amount of such fees as have been collected by them, which shall be in full compensation for all services rendered.”

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

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

Ratified this the 17th day of February, 1911.

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### CHAPTER 172.

#### AN ACT FOR THE RELIEF OF THE ESTATE OF J. M. DAVIS, DECEASED, LATE SHERIFF OF SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. A. Jackson, administrator of J. M. Davis, deceased, late sheriff of Surry County, North Carolina, be and he is hereby authorized to collect, for the benefit of the estate of the said deceased, all arrears of taxes, including poll taxes, taxes on property, county and State taxes, and also special and license taxes levied and included in said county, for the years one thousand nine hundred and three, one thousand nine hundred and four, one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven, one thousand nine hundred and eight, under such rules and regulations as are provided by law for the collection of taxes, and according to provisions of chapter seventy-two of The Revisal of one thousand nine hundred and five.

SEC. 2. That for the purpose of collecting said taxes, and carrying out the provisions of this act, said J. A. Jackson, administrator of J. M. Davis, deceased, is hereby authorized to constitute and appoint for his agent for said purpose U. G. Belton, of Surry County, and said U. G. Belton, when so appointed, is hereby authorized to collect said taxes for the benefit of said estate, upon such terms as may be agreed upon by said administrator, in like manner as sheriffs are authorized by law to collect taxes, and he is hereby vested with all rights, remedies, power and authority for collection of said taxes as is conferred upon and vested in sheriffs by law, and under said chapter seventy-two of The Revisal of one thousand nine hundred and five.

SEC. 3. That no person shall be compelled to pay any taxes under this act who hold sheriff's tax receipt for said taxes, or shall make affidavit that said taxes have been paid, nor shall any purchaser for value, or mortgagee without notice of such arrearage of taxes due on the land be compelled to pay any arrears of taxes under this act.

Collection of  
arrears  
authorized.

Years of  
arrearage.

Appointment of  
agent.

Persons not com-  
pelled to pay.

SEC. 4. That the authority herein given shall cease and determine Term of power. on the thirty-first day of December, one thousand nine hundred and twelve.

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

Ratified this the 17th day of February, 1911.

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#### CHAPTER 173.

AN ACT TO APPOINT J. L. GREEN A JUSTICE OF THE PEACE OF NORTH WHITAKER'S TOWNSHIP, NASH COUNTY, AND TO VALIDATE THE OFFICIAL ACTS OF SAID JUSTICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. L. Green be and he is hereby appointed a jus- Appointment. tice of the peace for North Whitaker's Township, Nash County, North Carolina, and shall hold office for two years from and after Term of office. December first, one thousand nine hundred and ten.

SEC. 2. All acts done by said J. L. Green pertaining to his office of Acts validated. justice of the peace since his term expired on the first Monday in December, one thousand nine hundred and ten, are hereby ratified and affirmed.

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

Ratified this the 17th day of February, 1911.

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#### CHAPTER 174.

AN ACT TO PROHIBIT THE SALE OR GIVING AWAY MALT LIQUORS, NEAR-BEER AND OTHER BEVERAGES CONTAINING ALCOHOL WITHIN ONE MILE OF KNIGHT'S CHAPEL BAPTIST CHURCH, WAKE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to sell or offer for sale, or Prohibition. dispose of for gain, any spirituous, vinous or malt liquors, cider, near-beer or any other drink or beverage exceeding one-half of one per cent in alcoholic strength, within a radius of one mile of Knight's Chapel Baptist Church, located at Knightdale, Wake County, North Carolina.

SEC. 2. That this act shall not in any way affect the existing Sales by druggists. laws governing the sale of spirituous or malt liquors by druggists for medical purposes.

Misdemeanor.

SEC. 3. That any person, firm or corporation violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Punishment.

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

Ratified this the 17th day of February, 1911.

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CHAPTER 175.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MACON COUNTY TO APPROPRIATE A SUM NOT EXCEEDING ONE THOUSAND DOLLARS TO PAY FOR THE ERECTION OF THE CONFEDERATE MONUMENT IN THE TOWN OF FRANKLIN.

*The General Assembly of North Carolina do enact:*

Appropriation authorized.

SECTION 1. That the county commissioners of Macon County be and they are hereby authorized and empowered to appropriate a sum of money not to exceed one thousand dollars, to be applied on the payment of the indebtedness due for the erection of the Confederate monument in the town of Franklin. Such an amount as may be appropriated by the said board, not exceeding the sum of one thousand dollars, may be appropriated out of any available funds of the county, and may be paid by annual installments or otherwise, as said board may deem best.

Amount.

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

Ratified this the 17th day of February, 1911.

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CHAPTER 176.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND THIRY-THREE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, CREATING A RECORDER'S COURT IN NASH COUNTY.

*The General Assembly of North Carolina do enact:*

That chapter six hundred and thirty-three, Public Laws of North Carolina, session one thousand nine hundred and nine, be amended so as to read as follows:

County commissioners may establish court.

SECTION 1. The county commissioners of Nash County may establish at Nashville, North Carolina, a recorder's court for the county of Nash.

SEC. 2. Said court shall be a court of record, and shall be pre- Court of record.  
 sided over by a recorder, who shall be a licensed attorney at law, Recorder.  
 of good moral character and in good standing in his profession, and  
 who shall be at the time of his election and qualification an elector Election of  
 in and for said county. Said recorder shall be elected by the board recorder.  
 of county commissioners at their regular meeting on the first Mon- Term of office.  
 day in April of each and every year, and shall hold for a period of Vacancy.  
 one year, and should a vacancy occur in said office the same shall  
 be filled by the said county commissioners as provided for the Recorder to qualify  
 appointment of the recorder. The said appointee shall hold said  
 office during the remainder of said term. Before entering upon the  
 duties of his office, the said recorder so elected shall take and sub-  
 scribe an oath of office, as is now provided by law for justices of  
 the peace, and shall file the same with the clerk of the superior  
 court of said county of Nash, which clerk will duly record the  
 same. Said recorder's salary shall be determined by the board of Salary.  
 county commissioners and paid out of the county fund upon such  
 vouchers as are now required for payment of county bills.

SEC. 3. Said court shall be open for trial of cases on each and Sessions of court.  
 every Monday morning at ten o'clock at the county site, and shall  
 continue in session daily until the business before it shall be dis-  
 posed of: *Provided, however,* that where counsel for both plaintiff Proviso: trials by  
 and defendant shall agree to hear a case on any given day of the consent.  
 week, it shall be lawful for the recorder to try it, if he shall con-  
 sent to do so.

SEC. 4. Said court shall have jurisdiction and power, concurrent Jurisdiction.  
 with the justices of the peace, in all criminal cases arising in said  
 county which are now or may hereafter be given to the justices of  
 the peace, and, in addition to the jurisdiction conferred by this  
 section, shall have exclusive original jurisdiction of all other crimi-  
 nal offenses committed in said county below the grade of felony, as  
 now defined by law, which said offenses shall include larceny, or re-  
 ceiving stolen goods, knowing them to be stolen, wherein the value  
 of the article does not exceed twenty dollars, and the same are  
 hereby declared to be misdemeanors.

SEC. 5. When, upon affidavit made before entering on the trial Removals from  
 of any case before any justice of the peace, it shall appear proper justice's courts.  
 for the said case to be removed for trial to some other justice, as  
 is now provided by law, said cause may be removed for trial to  
 said recorder's court of Nash County or to a justice of the peace of  
 the same township as to the removing justice may seem best.

SEC. 6. In all criminal cases heard by justices of the peace or Recognizance to  
 other committing magistrates of said county against any person or recorder's court.  
 persons for any offenses included in section four of this act not  
 within the jurisdiction of the justice of the peace, in which prob-  
 able cause of guilt is found, such person or persons shall be bound

in a personal recognizance with surety, to appear at the next succeeding session of the recorder's court for trial, and in default of such surety such person or persons shall be committed to the common jail of such county to await trial.

Warrants.  
Clerk of court.

SEC. 7. All trials of criminal actions shall be upon warrant issued by the clerk of the superior court, who shall also be clerk of the recorder's court.

Warrants on presentment of grand jury.

SEC. 8. The grand jury drawn and selected for the superior court for Nash County shall make presentments of all matters which it was their duty to present under the general law prior to the creation of the recorder's court of Nash County, and it shall be the duty of the clerk of said court, as soon as practicable thereafter, to issue a warrant upon all such presentments which fall within the jurisdiction of the said recorder's court without any other information or evidence to support said warrant than the presentment of the said grand jury; and should the said recorder's court fail to take cognizance of or act upon any crime within its exclusive or concurrent original jurisdiction within six months from the commission thereof, all such offenses shall be cognizable in the superior court, and the superior court shall thereafter have concurrent jurisdiction thereof with the said recorder's court.

Superior court to take cognizance.  
Concurrent jurisdiction.

Fees.

SEC. 9. All such justices of the peace and constables and sheriffs shall have the same fees as are now prescribed by law, and shall be collected and paid out in the same manner and by the same officers who collect and disburse the said fees in the superior court.

Sentence to road work.

SEC. 10. Whenever any person or persons shall be convicted in the recorder's court for any of the offenses mentioned in this act, and the punishment imposed is imprisonment and costs, the said recorder shall sentence the said defendant to imprisonment in the common jail of said county, to be worked upon the public roads of said county. All fines imposed shall be collected by the clerk of the superior court as is now done in the superior court, and where a defendant is convicted and fails to pay the cost, the county shall pay such costs as is allowed by law in similar cases before the superior court.

Fines.

Civil jurisdiction.

SEC. 11. Said court shall have all jurisdictions and powers in all civil matters arising in said county which are now or may hereafter be given to justices of the peace, concurrent with said justices of the peace, and in addition to the jurisdiction conferred by this section shall have jurisdiction concurrent with the superior court of all other civil actions arising in said county out of contract, where the sum demanded does not exceed the sum of five hundred dollars, and those arising out of tort where the value of the property or the amount in controversy does not exceed two hundred dollars. All civil matters tried by justices of the peace in said county, where either party to the suit appeals from the judgment

Appeals from justices' courts.

of said justice the said case on appeal shall be sent to the recorder's court for a new trial, or to the superior court, at the election of the appellant, as is now provided by law for the trial of cases in the superior court upon appeal from justices' courts, and if appealed to the recorder's court, shall be heard at the first sitting of the court after the appeal is sent up, and such appeal must be docketed in the said recorder's court on or before the first Monday after such trial and judgment in the justices' court, otherwise appeal may be dismissed as is now provided by law for the dismissing of appeals in the superior court when same shall not have been docketed at the first term after the trial below: *Provided*, this shall not prevent a continuance of any cause until some future day, upon good cause being shown to the court: *And, provided further*, that if the appeal is taken directly to the superior court, the general law regulating appeals shall control.

Hearing on appeal.

Docketing appeals.

Proviso: continuance.

Proviso: appeal to superior court.

SEC. 12. Any person desiring to appeal to the superior court in a criminal or civil case from a judgment of the recorder's court shall be allowed to do so in the same manner as now provided for appeals from the courts of justices of the peace.

Appeals to superior court.

SEC. 13. All civil actions shall be commenced in said recorder's court by summons issued by the clerk of the superior court, and shall be returnable the first Monday after service: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on the return day of such summons. The defendant shall file his written answer or demurrer on or before Wednesday night following the return day of said summons, and the case shall stand for trial on the first Monday after the return day thereof.

Summons in civil actions.

Proviso: service.

Pleadings.

SEC. 14. All judgments in civil actions rendered by the recorder shall be duly docketed in the office of the clerk of the superior court, and executions shall issue thereon, as is now provided by law for executions.

Judgments docketed.

Execution.

SEC. 15. In all actions and matters where a justice of the peace does not now have exclusive jurisdiction the plaintiff in such action may bring original suit, either in the recorder's court of Nash County, as established by this act, or in the superior court of Nash County, at his election.

Plaintiff's option.

SEC. 16. That all writs, processes and precepts issued from the recorder's court, when under the seal of the clerk of the superior court of Nash County, may issue to and run in any county in the State of North Carolina and be addressed to any sheriff or constable or other lawful officer of any county in the State or any township of any county in the State or to the chief of police or any policeman of any incorporated town or city in the State, and shall be executed by any officer above named to whom it may be directed, and all officers are hereby fully empowered to execute same. That

Process to run.

- Force and validity of judgments and orders. all judgments, orders and decrees of the said recorder's court shall be of the same force and validity as like judgments, orders and decrees of other courts of the State exercising like jurisdiction and such orders, judgments and decrees may be docketed in any county in the State and enforced as judgments of the superior court.
- Rules and practice. SEC. 17. That the same rules and practice as to venue of causes of action cognizable in said recorder's court, civil or criminal, shall apply as is now provided by law for the superior courts.
- Recorder may practice law. SEC. 18. Nothing in this act shall prevent the recorder elected by the board of commissioners and serving as such in the court hereby established from practicing law in the higher courts of the county and state in any and all cases which have not been passed upon by him in his court.
- Act to be printed. SEC. 19. This act shall be printed at once upon its ratification, and a copy thereof mailed by the Secretary of State to the chairman of the board of commissioners of Nash County.
- Copy mailed.
- Recorder's court of Rocky Mount. SEC. 20. That nothing in this act shall be in conflict with the recorder's court of Rocky Mount, North Carolina, and with the provisions of law creating it.
- Discontinuance. SEC. 21. That the said board of commissioners are authorized, after twelve months' trial of said court, to discontinue said court if in their judgment it is best to do so; that either plaintiff or defendant in actions of this court may demand and have a jury, as provided in courts of justices of the peace, and the jury shall be six in number or, if the action be a civil action above the jurisdiction of justices of the peace, twelve in number, and that the jury drawn for any one trial or any one day shall be drawn from the same township in said county. That the recorder of said court, in all cases in which in his judgment ends of justice would be best served by submitting the issue to a jury, may have a jury called at his own motion, as above provided, and submit the issue to the jury.
- Jury trials.
- Challenges. SEC. 22. That the same rules of challenge to jurors shall apply to the recorder's court as applies under the present law in the superior court except that each party to the suit or action shall be entitled to only one-half the number of peremptory challenges as is provided by law in the superior court.
- Recorder pro tem. SEC. 23. That the board of commissioners of Nash County may appoint a recorder *pro tem* of the said recorder's court and fix his salary, which shall be paid as the recorder's salary is paid, and said recorder *pro tem* shall have the same qualifications, and before entering upon his office shall take the same oath, and be subject to the same rules as the recorder of said court, and the said recorder *pro tem* shall preside at all hearings and try all cases in the said recorder's court when the recorder shall be a party to any such case or be unable by sickness or otherwise to preside.
- Salary.

SEC. 24. The said board of commissioners of Nash County may, in its discretion, appoint a prosecuting attorney for the said recorder's court, who shall have the same qualifications as the recorder and shall take an oath similar to the one now required of solicitor before entering upon the discharge of his duties. The said prosecuting attorney shall prosecute all criminal cases in said court of which said court has jurisdiction, or of which said court acts only as a committing court, under the same rules as the solicitor prosecuting in the superior court of Nash County prior to the creation of the recorder's court. The said prosecuting attorney shall be allowed the same fees as are allowed solicitors, and the same shall be collected under the same rules as the solicitors' fees are collected in the superior court; but that no fees shall be taxed in the recorder's court for the said prosecuting attorney for cases in which the said recorder only acts as a committing justice: *Provided, however,* that said prosecuting attorney may be discontinued, whenever, in the discretion of the board of commissioners, it may seem best so to do.

Prosecuting attorney.  
Attorney to qualify.

Duties.

Fees

Proviso:  
discontinuance.

SEC. 25. That there shall be taxed as costs in all cases in said recorder's court a county tax which shall correspond with and be the same as shall be collected under the same rules as the jury tax or costs is collected in the superior court, and that the said costs thus taxed shall be paid to the county as said jury costs are now taxed and paid in the superior court.

County tax.

SEC. 26. That the term of office of the recorder *pro tem.* and the prosecuting attorney herein shall terminate at the same time as that of the recorder for any term.

Terms of recorder  
*pro tem.* and  
prosecuting  
attorney.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, 1911.

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## CHAPTER 177.

### AN ACT TO PROVIDE A COUNTY COMMISSIONER OF AGRICULTURE FOR ROBESON COUNTY, AND TO PRESCRIBE THE DUTIES OF SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to promote and stimulate agricultural instruction in the public schools of Robeson County, and for the purpose of assisting the superintendent of public instruction in the discharge of his duties, the office of county commissioner of agriculture of Robeson County is hereby instituted, created and established for said county.

Object of  
appointment.

Office created.

- Qualification.** SEC. 2. The said county commissioner of agriculture shall at the time of his election, as provided herein possess a diploma from some reputable college.
- Duties.** SEC. 3. It shall be the duty of the said county commissioner of agriculture to supervise, direct and stimulate agricultural instruction in all the public schools of Robeson County; to organize boys' corn clubs, and to supervise and direct the work of these clubs; to aid in the organization, direction and supervision of county girls' clubs, and of the work of said clubs for preparation for home work and farm life, and also of the woman's work for the betterment of public schools in the county. It shall likewise be his duty to co-operate with the demonstration agents of the United States Department of Agriculture, and with the State Department of Agriculture, in their farm demonstration work, and in every way possible for the general advancement of agriculture in the county.
- State and national departments.** He shall be ex-officio a member of the faculty of the county farm life school in case of its establishment in Robeson County, and it shall be his duty to co-operate in its demonstration and extension work. He shall also aid the county superintendent of public instruction in the general supervision of the public schools of the county, in such manner as the county board of education will direct, and shall be under the general supervision and direction of the board of education of Robeson County and shall, in addition to the duties herein prescribed, perform such other and further duties as the board of education of said county may require.
- Farm life school.**
- Aid to county superintendent.**
- Elections.** SEC. 4. That the said county commissioner of agriculture shall be elected by the board of commissioners and the board of education of Robeson County jointly, and he shall hold office for a term of four years from the first Monday in July, one thousand nine hundred and eleven, until his successor is elected and qualified, and R. E. Sentelle is hereby designated and appointed to fill said office for the first term as provided herein.
- Term of office.**
- First commissioner named.**
- Salary.** SEC. 5. That the said county commissioner of agriculture shall be paid a salary of eighteen hundred dollars per annum for his service, said salary to be paid out of the general county funds in monthly installments, upon such vouchers as are now required for the payment of county bills. He shall also be paid his actual traveling expenses incurred while in the discharge of his official duties, said expenses to be paid monthly out of the public school fund of Robeson County, upon vouchers approved by the board of education of said county.
- Expenses.**
- SEC. 6. That all laws and clauses of laws whether of a general or private nature, in conflict with this act, be and the same are hereby repealed.
- SEC. 7. That this act shall be in full force from and after its ratification.
- Ratified this the 17th day of February, 1911.

## CHAPTER 178.

## AN ACT TO AMEND THE ROAD LAW OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter nine hundred and twenty-one, Public Laws of one thousand nine hundred and nine, be amended by striking out all after the word "therefore," in section one down to and including the word "county" in line ten, and insert the following: Election of road trustees.

"Sec. 1. That the senator and members of the General Assembly of Robeson County shall, on the first Monday in April, nineteen hundred and eleven, and annually thereafter, elect."

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 this the 17th day of February, 1911.

## CHAPTER 179.

## AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-EIGHTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE ROAD LAW OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-eight (258) of the Public Laws of the session of one thousand nine hundred and five (1905) be, and the same is hereby amended by striking out in section one thereof the words "ten (10)" in line fourteen, and inserting in lieu thereof the words "fifteen (15)"; by striking out the word "thirty (30)" in line fifteen and inserting in lieu thereof the words "forty-five (45)"; and by striking out the words "one thousand nine hundred and twelve (1912)" in lines sixteen and seventeen and inserting in lieu thereof the words "one thousand nine hundred and eighteen (1918)." Tax rate.  
Term of tax.

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 this the 18th day of February, 1911

## CHAPTER 180.

## AN ACT PROVIDING FOR ISSUING BONDS FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF GREENVILLE TOWNSHIP, PITT COUNTY.

*The General Assembly of North Carolina do enact:*

- Trustees named. SECTION 1. That J. G. Moye, J. F. Evans, J. S. Mooring, L. A. Randolph, M. G. Moye, J. W. Allen, J. G. Taylor, E. B. Ficklen, G. W. Stokes, L. A. Mayo, J. L. Evans and R. L. Smith are hereby constituted a board of trustees for the public roads of Greenville Township in Pitt County. The first four shall hold the said position of trustees for six years, the next four for four years, and the last four for two years. At the expiration of the terms of any, their successors shall be elected for six years by the county board of commissioners for Pitt County. All vacancies caused by death, resignation or removal from the said township shall be filled for the unexpired term by the remaining members of said board. *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of North Carolina.
- Term of office.
- Election of successors.
- Vacancies.
- Proviso; trusteeship not to constitute office.
- Incorporation. SEC. 2. That the said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Greenville Township," and by that name may sue and be sued, make contracts, acquire real and personal property, by gift, purchase or devise, hold, exchange or sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.
- Corporate name.
- Corporate powers.
- Control and management of roads.
- Rights and powers.
- Proviso: bridges.
- Organization. SEC. 3. That it shall be the duty of said board of trustees to take control of and management of the roads in Greenville Township, and said trustees are hereby vested with all the rights and powers for such control and management as are now vested in and exercised by the board of county commissioners of Pitt County: *Provided*, nothing in this act shall be construed to apply to bridges over Tar River or other bridges in the township now kept up by the county commissioners.
- Duty of treasurer.
- Bond. SEC. 4. The board of trustees shall annually elect a chairman, a secretary and a treasurer. The treasurer shall have charge of all of the road funds of the township, and shall be required to give bond in sufficient amount to cover funds coming into his hands. The board of trustees shall annually elect three of their number who shall constitute and be known as the executive committee. This committee shall meet at stated intervals, as may be directed by the trustees, shall have a chairman and a secretary, shall order and issue vouchers for payment of general expenses connected with
- Executive committee.
- Meetings and organization of executive committee.

- working roads, and the purchase of machinery and implements, which said vouchers shall be signed by the chairman and secretary of said committee, and record thereof kept; and the board of trustees may delegate to said executive committee any and all of its powers except that of issuing bonds: *Provided*, that the county auditor under the direction of the county commissioners, shall audit the books and accounts of the executive committee annually and oftener if necessary: *Provided, further*, that the compensation for the board of trustees shall be two dollars per diem for one day in attendance upon their annual meetings; and that the compensation of the executive committee shall be two dollars per diem for not exceeding one day in each month.
- SEC. 5. The said board of trustees shall elect a superintendent of roads for Greenville township, who shall be paid such compensation out of the road fund of said township as may be fixed by said trustees: *Provided*, that said superintendent may be removed by said board, after having been given ten days notice and a hearing, when in the opinion of the board there exists good and sufficient cause for removal. It shall be the duty of said superintendent, subject to the approval of the board, to supervise, direct and have charge of the maintenance and construction of all public roads in Greenville Township, and he shall submit to said executive committee a monthly report concerning the work in progress and the moneys expended and such other reports as may be required of him. As a guarantee of the faithful discharge of the duties of his office the said board may require of said superintendent such bond as may be deemed advisable.
- SEC. 6. The said board of trustees may purchase such machinery and implements as may be needed for the proper working and construction of the roads, employ a competent engineer or surveyor, and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act: *Provided*, that no person shall be liable to road duty.
- SEC. 7. That the superintendent of the roads of Greenville township is hereby authorized to enter upon any uncultivated lands near to or adjoining any public road of said township to dig or cause to be dug and carry away any gravel, sand, clay or stone which may be deemed necessary to construct, improve or repair such roads, and enter upon such lands adjoining or lying near such roads in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other persons, and any person obstructing such ditch shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned more than thirty days. If the owner of any land from which stone, clay, gravel or sand were
- Vouchers.
- Delegation of powers.
- Proviso: audit of accounts.
- Proviso: compensation.
- Superintendent of roads.
- Proviso: power of removal.
- Duty of superintendent.
- Monthly reports.
- Bond.
- Machinery and implements.
- Engineer or surveyor.
- Proviso: road duty abolished.
- Entrance on land for material.
- Drains and ditches.
- Obstructing ditch a misdemeanor.
- Punishment.

Accounts for material.

taken as aforesaid, shall present an account for the same through said superintendent to said board or executive committee within thirty days of the taking thereof, it shall be the duty of the said board to consider the same; and in case of any disagreement as to the value, the superintendent of the road shall appoint one freeholder, the person claiming the damages, a second, and these two a third, which said freeholders shall assess said damages and report the same in writing to the superintendent of roads.

Arbitration of damages.

Location and change of roads.

SEC. 8. The said superintendent of roads with the approval of the trustees or executive committee is hereby given discretionary power to locate, relocate or change any part of any public road in said township when in his judgment the same will prove advantageous to public travel; that when any person on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions said board of trustees for a jury to assess the damages, the said trustees shall, within not less than sixty days, nor more than one hundred and twenty days after the completion of said road, order a jury of three disinterested freeholders of Greenville Township to be selected and summoned by the sheriff as provided by law, who shall give said landowner five days notice of the time and place, when and where the said jury will meet to assess his damages; and said jury in considering the question of damages shall also take into consideration the benefits to the owner of the land and if such benefits be considered equal to or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to said trustees for revision and confirmation: *Provided*, that such owner may appeal to the superior court of Pitt County from the decision of said trustees.

Proceedings for assessment of damages.

Proviso: right of appeal.

Bond issue authorized.

SEC. 9. That the said board of road trustees shall be and are authorized and empowered to issue bonds of said Greenville Township to be styled "Greenville Township Road Bonds," to an amount not to exceed fifty thousand dollars of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding five per cent per annum, with interest coupons attached payable annually, quarterly or semi-annually in New York Exchange, said bonds to be signed by the chairman and secretary of said board, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding thirty years from the date thereof, and at such place or places as said board of trustees may determine. None of said bonds shall be disposed of for a price less than their par value and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds,

Style of bonds.

Amount.

Denomination.

Interest.

Authentication.

Maturity.

Bonds not to be sold below par.

Liability for bonds.

together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Pitt County known as Greenville Township, as constituted at the time of the ratification of this act.

SEC. 10. For the purpose of providing for the payment of said bonds and the interest thereon and for the construction, improvement and maintenance of the roads of said township, the board of county commissioners shall, annually, and at the time of levying the county taxes, levy annually a special tax on all persons and property subject to taxation within the limit of said Greenville Township of not less than ten cents and not more than twenty cents on the one hundred dollars assessed valuation of property and not less than thirty cents and not more than sixty cents on each taxable poll, the taxes so levied shall be collected as other taxes are collected and paid to the treasurer of said board of trustees.

SEC. 11. That the provisions of all preceding sections of this act, except section one, shall be submitted to a vote of the qualified voters of said Greenville Township, at an election to be held on a day to be designated by the board of county commissioners of Pitt County. For the holding of said election the said county commissioners shall appoint a registrar and two poll holders and any other officers necessary to said election, and shall order a new registration. At the close of said election the said registrar and poll holders shall count and canvass the vote cast, and declare the result thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said board of commissioners and no other canvass, report, or recording shall be necessary. At said election all voters who shall favor the issue of bonds, the levy of the special tax and the other provisions of this act shall cast ballots on which shall be printed or written, "For bonds for good roads," those opposed to such shall cast ballots on which shall be printed or written, "Against bonds for good roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote "For bonds for good roads" then said bonds shall be issued and said tax levied, and the other powers and duties exercised as provided for in this act.

SEC. 12. That all funds derived from the sale of said bonds by said board of trustees shall be paid over to the treasurer of said board of trustees, and shall be used for the purpose of constructing, improving, and maintaining the public roads in said township, the purchase of such material, machinery and implements and the employment of such officers and labor as may be found necessary in the carrying out of this work.

SEC. 13. That in the working and constructing of roads either con-

Special tax.

Tax rate.

Question submitted to voters.

Time of election.

Election officers.

New registration.

Count of votes and declaration of result.

Record of returns.

Ballots.

Law governing election.

Effect of election.

Appropriation of proceeds.

Labor to be used.

Working convicts. vict labor or hired labor, or both may be used, as may be ordered by said board of trustees; and in the working of convicts on the public roads, all rights and privileges existing in regard thereto or that may thereafter exist for the use of convicts in Pitt County or in any township therein shall exist and apply to the use of convicts on the roads of Greenville Township.

Work on streets of town. SEC. 14. That no funds derived from the sale of bonds provided in this act shall be expended for improving roads or streets within any incorporated town, except such as in the discretion of the trustees is necessary to complete a uniform system of roads for Greenville Township: *Provided*, that all such roads built or improved within the corporate limits of any town shall not exceed three miles, and when said roads or streets have been built or improved by said trustees, they shall be maintained and kept in repair by the commissioner or aldermen of said town.

Proviso: limit.

Other road taxes abolished. SEC. 15. That no other road tax shall be levied and collected in Greenville Township: *Provided*, this does not affect such bridge tax as the county commissioners may levy and collect for actual bridge needs.

Proviso: bridge tax.

Sinking fund. SEC. 16. The board of trustees shall cause to be set aside annually a sum to be known as the sinking fund which shall be used for the purpose of redeeming said bonds; said fund to be managed and invested by the board of trustees in their discretion until paid out for the payment or redemption of said bonds.

Management and investment of sinking fund.

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

Ratified this the 18th day of February, 1911.

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## CHAPTER 181.

### AN ACT TO PROHIBIT THROWING SAWDUST IN STREAMS OF YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

Throwing or allowing sawdust to run in streams forbidden. SECTION 1. That it shall be unlawful for any person, firm or corporation operating a sawmill in Yadkin County to throw sawdust in or permit the same to be run into any stream in said county, and any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction such person, firm or corporation shall be fined not exceeding fifty dollars or imprisonment not exceeding thirty (30) days in the discretion of the court: *Provided*, that this act shall not apply to sawmills propelled by water power.

Misdemeanor.

Punishment.

Proviso: exception.

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 this the 18th day of February, 1911.

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CHAPTER 182.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE PROTECTION OF GAME AND LANDOWNERS OF RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1, chapter two hundred and four of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out all of section one after the word "obtained" in line four of said section and by striking out the word "first" as applicable to February in line three of section four and inserting in lieu thereof the word "fifteen."

Consent of land-owners.

Close season.

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

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

Ratified this the 21st day of February, 1911.

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CHAPTER 183.

AN ACT FOR THE WORKING, LAYING OUT, REPAIRING, IMPROVING AND DRAINING OF THE PUBLIC ROADS OF WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of the county of Washington be and they are hereby charged with the duty of laying out, maintaining, draining, improving and the general management of all public roads, cartways, highways, bridges and ferries in said county, and that all authority over said roads is now conferred upon said board.

County commissioners charged with road supervision.

SEC. 2. That the treasurer of the county shall be ex-officio treasurer of the road fund of said county, and for the faithful keeping

Treasurer of road fund.

- Bond. and disbursing of said fund the bond of the said treasurer shall be liable. All road tax, either general or special, levied by the county or by any township, and all other moneys from whatsoever source, belonging to the road fund of said county shall be paid into his hands, and he shall pay all accounts against the road fund upon order to do so by the board of commissioners, and he shall receive as compensation for such payments one and one-half per cent of the amounts so paid out and disbursed.
- Road orders.
- Compensation of treasurer.
- Separate accounts. SEC. 3. The treasurer shall keep a separate account of the road fund of the county and shall on the first Monday in December of each and every year, and at any other time when demanded by the said board of commissioners so to do, make to them a written report giving a statement of the receipts and disbursements of the road fund during the preceding year, which report, together with that for all other county expenses, shall be published by said commissioners in one newspaper published in the town of Plymouth, in such manner and for such time as is now required for the publication of county statements.
- Annual reports.
- Publication of reports.
- Presentation and approval of accounts. SEC. 4. All accounts against the road fund of the county shall be presented to the board of county commissioners in the same manner that other accounts are now presented, and shall be proved and paid by them in the same manner, upon the warrant of said board, as is usual in the payment of county indebtedness.
- Employment of agents, servants and laborers. SEC. 5. That the said board of county commissioners shall have power to employ and appoint all such agents, servants and laborers as in their discretion are needed for the purpose of carrying out the provisions of this act, and shall have authority to cancel any such contract made with any person. It shall also have authority to require of any such person bond in any sum they may name, conditioned for the faithful performance of the duties they may impose.
- Bonds.
- Road districts. SEC. 6. That the county of Washington is hereby divided into five road districts, the boundaries of which shall be the same as the boundaries to the present townships of said county. That the said county commissioners may appoint any and all agents they may see fit for the purpose of supervising the work on the said roads in any of the said townships or road districts, and the said county commissioners are hereby expressly authorized to purchase all such teams, wagons, machinery, tools, implements and every other thing needed by them for the purpose of carrying out the provisions of this act, and all such property shall belong to the county road fund of Washington, and when any of the same is disposed of by said board of county commissioners the proceeds thereof shall be placed to the credit of the road fund of said county.
- Boundaries.
- Agents for supervising work.
- Teams, tools and machinery.
- Roads may be let to contract. SEC. 7. The board of county commissioners shall have power to let out to responsible parties the keeping in repair of any part of

the said roads whenever in their discretion such course seems wise. Such persons shall enter into a contract in writing with said board of county commissioners, who shall require sufficient bond in such sum as they may name for the faithful carrying out of any such contract.

Contract and bond.

SEC. 8. That all persons confined in the county jail under final sentence of the court for crime or imprisoned for the non-payment of costs or fine or under final judgment of any court of said county, and all persons sentenced from said county to State's prison for a term less than ten years, shall be worked on the public roads of said county as the said board of county commissioners may direct: *Provided*, that the commissioners of Washington County are authorized to receive from any other county in North Carolina any convicts sentenced to labor on public roads, upon such terms as may be mutually agreed upon, and that said board of commissioners are expressly authorized and charged with the duty of providing for the care of and maintenance in comfortable quarters of all prisoners committed to their charge for such road duties, and they may adopt all such reasonable rules and regulations as they may deem necessary for the conduct and management of said prisoners, not inconsistent with the laws of North Carolina.

Convicts to be worked on roads.

Proviso: Convicts from other counties.

SEC. 9. That for the purpose of this act the agents of said board and all persons employed by them are authorized to enter upon any lands of any person in Washington County for the purpose of making all necessary surveys, changes of road, locating roads, draining roads and otherwise carrying out the provisions of this act; and the said board is authorized to determine upon the width of all roads in said county, not to exceed forty feet wide; and for the purpose of carrying out the provisions of this act the officers and employees of said board are authorized to enter upon any uncultivated lands near to or adjoining said roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade; to dig and carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter upon any lands adjoining or lying near the road in order to make such drains or ditches through the same as may be necessary for the betterment of the roads, doing as little injury to said land and improvements thereon as the nature of the case and the public good will permit, and any owner or occupant of such land, or any other person who shall interfere with the working of the roads as herein provided for or stop up any drain herein provided for, shall be guilty of a misdemeanor, and upon conviction fined not less than five nor more than ten dollars or be imprisoned to work on the public roads of the county not less than ten not more than twenty days for each and every offense.

Entrance on lands for surveys.

Width of roads.

Entrance on lands for material.

Drains and ditches.

Interference with work or stopping drains misdemeanor.

Punishment.

Payment for material.

SEC. 10. That it shall be the duty of the county commissioners to pay the owner of lands for any timber, stone, gravel, sand or clay taken therefrom, such reasonable amounts as may be agreed upon by the said owner and supervisor or person taking said material, upon account for same to be presented to and approved by the board of county commissioners.

Sessions and per diem of commissioners.

SEC. 11. That for the purpose of carrying out the provisions of this act the board of county commissioners of Washington County is expressly authorized to continue in session as many days after the first Monday in each and every month as they may deem proper, and they shall receive therefor the same per diem now received by them or hereafter allowed by law for service as county commissioners.

Re-location of roads.

SEC. 12. That the said commissioners are expressly authorized to relocate or change any part of any public road whenever in their judgment such relocation or change will prove advantageous to the public travel, and that when any person or persons on whose land a new road or part thereof is to be located claims damages therefor, and the said board of commissioners can not agree upon the amount to be paid him, he or they may file their petition before the clerk of the superior court of Washington County, asking the assignment of damages, which shall be a special proceeding conducted under the same rules and regulations and in the same manner now prescribed for other special proceedings, with the right of jury trial, upon appeal from the final order of said clerk. No sum for benefit shall be deducted from the price of the land actually taken from said owner, and such owner upon dissatisfaction with the final judgment of the clerk may appeal as aforesaid to the superior court of Washington County at term time, where all questions of law and fact filed in said proceeding may be heard and determined by a jury if a jury trial be demanded.

No deduction for benefit.

Appeals.

Failure to make returns or discharge duties misdemeanor.

SEC. 13. That all persons and employees appointed by virtue of this act, or to whom duties are assigned under this act, who shall fail to make complete returns within the time required, or who shall otherwise fail to discharge the duties imposed by this act, shall be guilty of a misdemeanor.

Ferries and bridges.

SEC. 14. The board of county commissioners are expressly given authority to lay out ferries and authorize the erection of bridges in any manner they see fit.

Ditches across roads.

SEC. 15. It shall be the duty of every person or corporation who shall construct any ditch or drain or culvert across a public road or highway, to keep it up in good condition at his or their own expense, and they shall construct and keep in repair the approaches to said bridges in a manner acceptable to the county commissioners. Any person or corporation who shall fail to perform the duties imposed by this section, having been warned by the chairman of the board of

Failure to perform duty a misdemeanor.

county commissioners leaving at his residence or the residence of his agent, or having been notified verbally by said chairman, and having failed to perform said duties acceptably to the board of county commissioners, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars. Punishment.

SEC. 16. All railroads and other incorporated companies shall each keep at their own expense all bridges on or over highways or public roads, or roads not public but used as neighborhood roads, and all crossings which they have severally made it necessary to be built or made in establishing their respective roads, and upon failure to do so shall be guilty of a misdemeanor and fined at the discretion of the superior court, and shall forfeit and pay to said road fund twenty-five dollars for each ten days they shall fail to perform the duties of this section. Bridges over roads. Railroad crossings. Misdemeanor. Punishment. Forfeiture.

SEC. 17. It shall be the duty of the county commissioners, as said roads progress from time to time, to cause to be set up along the highways and public thoroughfares of said county substantial mile-posts, on which shall be indicated the distance from the county seat, and at important crossings and forks on said highways and roads said commissioners shall cause to be erected guide-boards on which shall be indicated the important places to which each road leads and the distance from the same; and if any person shall willfully demolish, throw down, alter or deface any such post or guide-board or any other post or guide-board, he shall be guilty of a misdemeanor and upon conviction thereof fined not exceeding twenty-five dollars and costs or imprisonment not more than thirty days and sentenced to work upon said public roads. Mile-posts. Guide-boards. Injuring mile-posts or sign boards a misdemeanor. Punishment.

SEC. 18. It shall be unlawful for any person, corporation or firm to obstruct the drainage of any public road or highway in any manner, or empty the water from any ditches or drains into any such road or highway, and any such person, corporation or firm so offending shall be guilty of a misdemeanor, and for every five days after notice shall neglect or refuse to remedy such offense shall pay a penalty of five dollars. Obstructing drains or leading water on roads misdemeanor. Penalty.

SEC. 19. It shall be unlawful for any person or corporation which shall have been granted license to erect poles or wires along the right-of-way of public roads of the county to allow the same to interfere in any way with public travel or to suffer the same to remain in a condition dangerous to the public or to interfere with the grades of said roads, and any person or corporation who shall fail or refuse to remedy such conditions shall be guilty of a misdemeanor and upon conviction thereof fined not exceeding fifty dollars, and their license to use said road may be revoked by said board. Poles and wires along roads. Misdemeanor.

SEC. 20. It shall be the duty of the chairman of the board of commissioners to sue for all penalties imposed under this act, and to pay them over to the county treasurer for the benefit of the road fund. Revocation of license. Suits for penalties.

- Road tax.            SEC. 21. That the board of county commissioners for Washington County are hereby authorized to levy at the June session of their board annually, for public road purposes, a tax not to exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll, and the chairman of the board of county commissioners shall place the same on the tax list of the current year, to be included in and collected with the annual taxes, and it shall be the duty of the sheriff to collect said taxes as in the case of other special taxes and pay over to the treasurer of the county, who shall place the amount collected for each township or road district to the credit of said township or road district, and the county commissioners of the county shall expend said sum upon the roads of said township or road district, and not otherwise.
- Apportionment to districts.    Petition for special tax.    SEC. 22. That when in any township in the county a petition is presented to the board of county commissioners, signed by a majority of the qualified voters of said township, asking that a special tax be levied for road purposes, the said county commissioners shall at their next regular meeting in June levy in such township such additional special tax as they may have been requested to levy for the benefit of the road fund of that township, not to exceed ten cents on the one hundred dollars valuation of property and thirty cents on the poll; said tax to be levied and collected as provided for other road taxes in this act; and such taxes shall be used only on the roads of the township or road district for which said taxes were collected, and the treasurer of the county shall keep a separate account of the same.
- Special tax.            Rate.            Appropriation.            Bond issue authorized.    SEC. 23. That for the purpose of purchasing such necessary material, machinery, teams, wagons and other things as may be needed to begin the work of carrying out the provisions of this act the board of county commissioners of Washington County are expressly authorized to issue five thousand dollars of bonds of said county, to bear interest at the rate of five per cent per annum, and to be paid in equal installments, one-fifth annually. The proceeds to be derived from the sale of said bonds to be credited to the said road fund and paid out as hereinbefore provided. None of said bonds shall be sold for less than their face value and accrued interest, and shall bear upon their face the provision that they were issued in accordance with this act, and for road purposes.
- Amount.            Interest.            Maturity.            Apportionment of proceeds.    Bonds not sold below par.    Road age.            Road duty.            Warning.
- SEC. 24. That all able-bodied male persons within the county between the ages of twenty-one and forty-five years, except residents of incorporated towns and persons by law exempt, shall be liable to work on the public roads of said county for six days in each year, at such time and place and in such manner as may be designated by the said board of county commissioners or its agents, and they shall be summoned by said board in the manner now provided by law for summoning hands to work the public roads in Washing-

ton County, and shall receive, by the person authorized by the board of county commissioners so to do, a written notice, which may be left at the home or residence of the person, specifying the time and place, when and where said work is to be performed: *Provided*, that any person may in lieu of working six days on the public roads pay, on or before the first day of May in each year, to the county treasurer the sum of two dollars, who shall issue to such person a receipt for the same, stating the amount and year for which the same is paid; and any person who has been notified to appear and work as notified to do, and who shall fail to appear and do such work and perform such good and reasonable labor as such board or its agents shall require, shall be guilty of a misdemeanor, and shall upon conviction be fined not less than two nor more than ten dollars or sentenced to work on the public roads of said county not less than twelve nor more than twenty days. Every person liable to road duty when duly summoned shall have the right to furnish an able-bodied laborer in his place at his own expense.

Proviso:  
commutation.

Failure to appear  
and work a  
misdemeanor.

Punishment.

Substitute.

SEC. 25. That all laws and clauses of laws in conflict with this act or any of its provisions are hereby repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, 1911.

## CHAPTER 184.

### AN ACT TO PROTECT THE GAME AND FISH OF THE COUNTY OF HENDERSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any one in the county of Henderson to trap, net or kill quail except in the months of January and February, and the finding of a dead quail in the possession of any party shall be *prima facie* evidence of the violation of this act.

SEC. 2. That it shall be unlawful for any one to permit his or her setter or pointer dog to run at large during the close season of quail.

Dogs not to run at  
large.

SEC. 3. That it shall be unlawful for any one to destroy the eggs of quail or those of any other kind of birds in said county.

Destruction of eggs  
forbidden.

SEC. 4. That it shall be unlawful for any one to shoot California trout in any of the streams of the county or to dynamite the same.

Shooting or  
dynamiting  
forbidden.

SEC. 5. That it shall be unlawful to seine or use traps or nets to catch California trout in any of the streams of the county.

Seines, traps and  
nets forbidden.

- Taking or removing boat forbidden. SEC. 6. That it shall be unlawful for any one to take or remove from its moorings any boat belonging to private parties on any lake or pond without the written consent of the owners.
- Misdemeanor. SEC. 7. That any one violating any of the above provisions shall be guilty of a misdemeanor and fined and imprisoned, in the discretion of the court.
- Punishment.
- Appointment of game warden. SEC. 8. For the enforcement of the above-mentioned provisions it shall be the duty of the board of commissioners of the county of Henderson to appoint, thirty days after the ratification of this act, a warden who shall be especially charged with the enforcement of this law. It shall be the duty of said warden to diligently inquire into and prosecute all violations of this law, to collect fines and forfeitures, special taxes imposed, and to make quarterly to the board of commissioners a sworn report of such prosecutions, fines and forfeitures and taxes collected by him. He shall enter into a bond in the sum of one thousand dollars, conditioned that he will faithfully perform the duties required of him under this act, and that he will account for and pay over to the treasurer of the county all fines, forfeitures and taxes collected by him. If any warden shall neglect to discharge any of the duties imposed upon him by this act, or shall fail to account and pay over upon the demand of the treasurer of the county any moneys, penalties or fines collected by him, he shall be guilty of a misdemeanor and fined and imprisoned, in the discretion of the court.
- Duty.
- Sworn reports.
- Bond.
- Neglect of duty or failure to account a misdemeanor.
- Punishment.
- Arrest without warrant. SEC. 9. In addition to the powers conferred upon said game warden, he is empowered and authorized to arrest without a warrant any party or parties who he has detected in the actual violation of the provisions of this act or any one of the same, but otherwise he shall have no power to arrest except upon affidavit made by himself or other party before an officer authorized by law to take such affidavits.
- Fees of game warden. SEC. 10. In addition to the fees allowed by law for the arrest of parties charged with such violation, and for the summoning of witnesses and commitment of the parties convicted he shall also be allowed the sum of three dollars in every conviction had under this act, which amount it shall be the duty of the judge presiding to direct the clerk to tax in the bill of cost as a part of the said bill of cost.
- Repealing clause. SEC. 11. That all laws in conflict with this act be and the same are hereby repealed, but nothing in this act is to prevent any party from selling quail in the open market during the months of January or February, provided such quail are not shipped out of the said county, and which if done is hereby declared a misdemeanor punishable by fine and imprisonment, in the discretion of the court.
- Effect of act.
- Shipment of quail forbidden.
- California trout. SEC. 12. It shall be unlawful to take in any other way except with hook and line any California trout out of any of the streams in

the county of Henderson, and it shall be unlawful to take any California trout out of the said streams at any time except during the months of October, November, December, January and February, in which said months the trout are spawning.

SEC. 13. For the purpose of maintaining a fund to enforce the provisions of this act there shall be imposed upon every nonresident except such as own property in the said county and hunt upon their own premises, an annual tax of five dollars, which shall be paid to the game warden of the said county by the said nonresident of the county, and any party or parties hunting in said county without having first procured this license shall be guilty of a misdemeanor and be fined and imprisoned, in the discretion of the court.

Hunting license.

Misdemeanor.

Punishment.

SEC. 14. This act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, 1911.

#### CHAPTER 185.

#### AN ACT TO CONSOLIDATE STOCK LAW DISTRICT NUMBER ONE, AND STOCK LAW DISTRICT NUMBER TWO, IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territories in Pamlico County known as "Stock Law District Number One, in Number Two Township, and Stock Law District Number Two, in Number Three Township," and the same are hereby consolidated and are enforced in the following lines, viz: Beginning at the line of the stock law known as Stock Law District Number One, at the Miller bridge, and runs northwardly with the main road, known as the Lupton road, to the public road leading from Bayboro to New Bern, then with said road eastwardly to a point opposite the dividing line of A. B. Campen and Joseph Gibbs, then across said road and with said dividing line northwardly to the back of said Campen and Gibbs farm; thence a direct line to the northwest prong of Bay River, one of the boundary lines of Stock Law District Number Two.

Territories consolidated.

Boundaries.

SEC. 2. That it shall be unlawful for any person or persons to allow live stock to run at large within boundaries of the above described territory, and no person or persons living within the boundaries of the above described territory shall permit any of their live stock to enter upon the lands of another without first having leave from the owner of such land. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not less than five dollars nor more than twenty-five dollars.

Allowing live stock to run at large forbidden.

Misdemeanor.

Punishment.

Appointment of  
fence commis-  
sioners.

Fence commis-  
sioners to certify  
amounts needed.

Duty.

Power to condemn  
fence.

Proviso: credit  
to fence owner.

Accounts for  
repairs and  
maintenance.

SEC. 3. That the county commissioners of Pamlico County shall, as soon as practical after the ratification of this act, appoint three freeholders residing in the above described stock law district as fence commissioners for said territory. Said fence commissioners shall certify to the county commissioners the amount of money necessary to keep and maintain said fence, and it shall be their duty to so keep and maintain all gates and fences necessary for the property enclosed of said district. The said fence commissioners shall have power to condemn and use any fence along the line of the proposed new territory as may be on the line described in section one of this act: *Provided*, that such fence so condemned or used shall be credited to the owners thereof in the assessment of taxes by said fence commissioners as they may think just and proper.

SEC. 4. That no accounts or bills for repairing or maintaining said fence shall be allowed by the county commissioners unless certified to by at least two of the fence commissioners provided for in this act.

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

Ratified this the 21st day of February, 1911.

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#### CHAPTER 186.

#### AN ACT FOR THE BETTER DRAINAGE OF HUNTING CREEK, IN BURKE COUNTY.

Preamble.

Whereas, Hunting Creek, in Burke County, from a point near the ford below W. C. Hogan's old mill place and thence up said creek to the mouth of Fiddler's Run Creek on the S. McD. Tate place; thence up Hunting Creek to the State Hospital bridge, and from the mouth of Fiddler's Run Creek up said creek to Woodward's line; thence from the mouth of Mull's Creek where it empties into Fiddler's Run Creek up said creek to Parker's line, have been filled up with rock, mud, decaying timber and other substances so near to the top of its banks in many places as to cause said creeks to overflow, whenever the usual rains occur, many acres of bottom land lying on both sides of said streams and render a large portion of adjacent farms either totally uncultivable or much less productive than it was before said creek was filled up or would now be if said streams were deepened and cleared out; and, whereas, there is reason to believe that the overflowing of said streams is creating malaria and the beds of said streams are being filled up every year, and that the overflow from natural causes and the consequent malaria engendered thereby are becoming greater every year; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That John A. Dickson, F. P. Tate and W. Edwin Walton and J. E. Erwin are hereby constituted a body politic, a *quasi* municipal corporation, under the name and style of "Hunting Creek Drainage Commissioners," with general rights and powers incident to the creation of such corporations, such powers as may be hereinafter conferred, especially the power and duty of supervising the drainage of said Hunting Creek, Fiddler's Run Creek and Mull's Creek, the drainage of Hunting Creek from Hogan's old mill place to the State Hospital bridge, and from the mouth of Fiddler's Run Creek up said creek to Woodward's line; and from the mouth of Mull's Creek where it empties into Fiddler's Run Creek to Parker's line.

Corporation.

Corporate name.

Corporate powers.

SEC. 2. That said commissioners shall meet for the purpose of organizing at a time and place on or about March twenty, one thousand nine hundred and eleven, to be designated by the said John A. Dickson, one of the commissioners above named, and, upon notice of five days to be given by him to each of the other said commissioners, and the said commissioners shall elect one of their members chairman and another secretary; and in case any one of said commissioners shall refuse to act, then any vacancy caused in any way or from any cause shall be filled by the other commissioners by choosing some owner of land lying on either of said creeks above named.

Meeting for organization.

Notice of meeting.

Organization.

Vacancy filled.

SEC. 3. That said commissioners shall cause an accurate estimate of the number of acres of bottom land lying along said streams, between the points above named, and which are rendered less productive by the overflow of said streams, and shall have the power to appoint three disinterested freeholders, whose compensation shall be fixed and paid by said commissioners, and said freeholders shall proceed to ascertain and report the number of acres of said bottom land belonging to each landowner and lying on said creeks and their tributaries, the productive capacity of which they shall have determined is diminished by the said overflow of said streams and the consequent flooding by them; but before entering upon their duties the said three freeholders shall take an oath, before the chairman of said commissioners or before any other person qualified by law to administer an oath, that he will discharge the duties devolving upon him and will report the result of his investigation and examination without favor to any one.

Estimate of damaged land.

Jury of estimate to be sworn

SEC. 4. That said commissioners shall have the power and it shall be their duty, during the month of April, one thousand nine hundred and eleven, and on the first Monday in April of every year thereafter until such time as said creek and streams shall be thoroughly drained, in the opinion of the commissioners, and until all sums borrowed for the drainage of said streams shall be fully paid

Assessment on damaged land.

and discharged, principal and interest, to levy an assessment of not less than twenty-five cents nor more than one dollar and twenty-five cents per acre on every acre of land within the boundary above designated along said creeks which said three freeholders shall report to be rendered less productive, as above provided. In assessing said lands for taxation said commissioners as aforesaid shall consider the benefits derived from said drainage to each landowner along said streams, and value his property according to said benefits, and it shall be the duty of the said commissioners to select one of their number, or some other suitable person, as collector of such assessments, requiring such collector to give bond in an amount to be fixed by said commissioners, conditioned for the faithful discharge of his duties and faithfully accounting for all moneys collected by him, and the said commissioners shall allow such collector reasonable fees, to be paid out of the money collected by him, and the said assessment so levied shall constitute a lien upon the land so assessed only, which shall be the land designated by said freeholders in their report as injured or rendered less productive as aforesaid; and the said collector shall be empowered to bring an action in the name of the corporation to enforce said lien by subjecting the land intended to be benefited by rendering it more productive, either in the superior court or before a justice of the peace, and the court having jurisdiction of the amount due shall have power, upon summons served upon any of said landowners, as prescribed in cases where actions are brought to enforce money demands where such landowners shall fail to pay such assessment on or before the first of December of the year in which such assessment shall have been levied; and the court, on trial, shall have power to adjudge that such assessment shall constitute a lien on the land assessed, and that the sheriff of Burke County shall sell the said land assessed to satisfy such assessment and lien upon it and the cost of the action so brought to enforce it: *Provided, however,* that either the plaintiff or defendant in such action shall have the right of appeal as provided by law.

**SEC. 5.** That the money so assessed and collected shall be used by the said commissioners in draining said Hunting Creek, Fiddler's Run Creek and Mull's Creek between the points above designated, and the chairman and secretary shall, on the first Monday in April of each and every year, file with the register of deeds of Burke County an itemized statement of receipts and disbursements of the money so assessed and collected.

**SEC. 6.** That the said commissioners are hereby empowered and it shall be their duty to enter into said creeks, between the points mentioned, and on the land lying along the same, for the purposes of draining said land, and they shall have power to employ engineers, cut canals, dig ditches, blast out shoals, clear away all obstructions

Rate of assessment.

Valuation of property.

Collector of assessments.

Bond.

Fees.

Assessment a lien on land.

Enforcement of lien.

Judgment and collection.

Proviso: right of appeal.

Application of funds.

Itemized statements.

Powers of commissioners.

from the channel, and to employ foremen, hire hands and teams, purchase tools, and to do such other things as may be necessary for the drainage of said streams and for the improvement of said lands.

SEC. 7. That said commissioners, in order to expedite said work and to secure contractors on better terms, are hereby authorized and empowered to borrow money at a rate not to exceed six per cent per annum, and proceed with the drainage of said streams while said assessments are being collected: *Provided*, that the said commissioners shall not borrow for purposes as stated above a greater sum than four hundred dollars, and shall have power to pledge the sums collected by said assessments as they come into the hands of said commissioners for the payment of money so borrowed; and the said assessments shall be levied, as aforesaid, each year until the sums of money so borrowed shall have been paid, principal and interest.

Power to borrow money.

Proviso: limit of amount.

SEC. 8. That said commissioners shall receive no compensation for their services in the performance of the duties prescribed in this act, except a reasonable allowance for the time actually employed in superintending and directing the actual work of the drainage of said streams.

Compensation of commissioners.

SEC. 9. If it shall be necessary to acquire a right-of-way, or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said streams for the betterment of the flow of the water and the improvement of the object and purposes of this act, and in either event the same can not be acquired by purchase, then and in that event the power of eminent domain is hereby conferred, and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commissioners out of the funds which shall be available from the collection of said assessments; that every privilege, power and right to carry out the provisions of this act are granted said commissioners to aid in the further promotion of said work herein contemplated by this act.

Condemnation of land.

Proceedings for condemnation.

SEC. 10. It shall be a misdemeanor to place any obstruction in said streams within the limits above set forth which shall impede or obstruct the natural flow of water in said streams.

Obstructing streams a misdemeanor.

SEC. 11. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 12. That this act shall be in force and effect from and after its ratification.

Ratified this the 21st day of February, 1911.

## CHAPTER 187.

## AN ACT TO AMEND THE DEER LAW OF DARE COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person to hunt, kill or otherwise capture or in any manner destroy any wild deer between the first day of February and the first day of October of any year: *Provided*, that it shall be unlawful for any person to hunt, kill or capture any wild deer in Hatteras Township, Dare County, between the first day of January and the fifteenth day of November of any year, and that during the hunting season in said Hatteras Township it shall be unlawful for any person to hunt, kill or capture more than five wild deer in any one year.

Proviso: close season in Hatteras Township.

Limit on number.

Misdemeanor.  
Punishment.

SEC. 2. That any person found guilty of violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Application of act.

SEC. 3. That this act shall apply only to Dare County.

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 this the 21st day of February, 1911.

## CHAPTER 188.

## AN ACT TO AMEND SECTION SEVEN, CHAPTER SEVEN HUNDRED AND SEVENTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE ROAD LAW OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

Road overseers to prosecute delinquents.

SECTION 1. That section seven, chapter seven hundred and seventy-one of the Public Laws of one thousand nine hundred and five, be stricken out and the following be inserted in lieu thereof: "It shall be the duty of the road overseers to proceed before a magistrate in his township to prosecute all such persons who have or may have refused to work upon the public roads of Haywood County, and any person convicted for refusing to work shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days."

Misdemeanor.  
Punishment.

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

Ratified this the 21st day of February, 1911.

## CHAPTER 189.

## AN ACT TO PROTECT THE OPOSSUMS IN EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to catch, trap or kill opos- Close season.  
sums in Edgecombe County, between the first day of January and  
the first day of October in each year.

SEC. 2. Any person violating the provisions of this act shall be  
guilty of a misdemeanor and upon conviction shall be fined or im- Misdemeanor.  
prisoned, in the discretion of the court. Punishment.

SEC. 3. That this act shall be in force from and after its ratifi-  
cation.

Ratified this the 21st day of February, 1911.

## CHAPTER 190.

## AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY WHEN ENGAGED IN COMMITTEE WORK, AND TO REFUND TO THE MEMBERS OF SAID BOARD AND TO THE MEMBERS OF THE HIGHWAY COMMISSION OF GUILFORD COUNTY AMOUNTS REPAID TO THE TREASURER OF GUILFORD COUNTY WHICH THEY HAD RECEIVED AS PER DIEM AND MILEAGE WHEN ENGAGED IN COMMITTEE WORK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on and after the first day of March, one thousand Pay for committee  
nine hundred and eleven, any member of the board of commissioners work.  
of Guilford County selected by the said board for the purpose of  
committee work for the benefit of said county shall, for all services  
rendered while engaged in said work, receive the same *per diem* and  
mileage he would receive if attending a regular meeting of said  
board, the same to be approved and allowed by the board of commis-  
sioners of said county.

SEC. 2. That the treasurer of Guilford County is hereby authorized Payments to be  
and required to issue his warrants payable to each of the following refunded.  
persons for amounts heretofore paid by them into the treasury as  
*per diem* and mileage received when engaged in special committee  
work for said county as members of the board of commissioners of  
said county, and of the highway commission of said county; these  
amounts having been repaid by them into the county treasury upon

Itemized state-  
ment.

the question being raised as to their right to retain the same, to wit: J. A. Davidson, \$323.50; L. A. Walker, \$180.90; John A. Young, \$73.50; W. C. Tucker, \$162.80; W. G. Bradshaw, \$45.50; John L. King, \$354.50; E. J. Stafford, \$380.50; D. H. Coble, \$11.95; J. C. Murchison, \$4.00; J. H. Johnson, \$14.50; J. A. Hoskins, \$95.70; F. M. Pickett, \$133.50.

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 this the 21st day of February, 1911.

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#### CHAPTER 191.

#### AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Pay for committee  
work.

SECTION 1. That on and after the first day of March, one thousand nine hundred and eleven, any member of the board of commissioners of Caswell County selected by said board for the purpose of committee work for the benefit of the county, shall for all services rendered while engaged in said work receive the same *per diem* and mileage for the time so employed in said services as the member or members would have received in attendance upon a regular meeting of the board; the same to be approved and allowed by said board.

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 and effect from and after its ratification.

Ratified this the 21st day of February, 1911.

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#### CHAPTER 192.

#### AN ACT TO ALLOW THE DARE LUMBER COMPANY TO ERECT A DRAWBRIDGE ON MILL TAIL CREEK.

*The General Assembly of North Carolina do enact:*

Erection of  
bridge authorized.

SECTION 1. That the Dare Lumber Company, a corporation incorporated under the laws of New York, are hereby granted the right and power to erect, maintain and operate a wooden, steel or iron drawbridge over the waters of Mill Tail Creek, in Dare County.

SEC. 2. That the said Dare Lumber Company shall at any time within five years from and after the ratification of this act be allowed to erect the said bridge. Time for exercise of power.

SEC. 3. That the said company be and they are hereby authorized to use the said drawbridge in connection with their mill and mill site in Dare County, and that the said bridge may be erected at any point on Mill Tail Creek between lands owned or occupied by the said Dare Lumber Company. Use of bridge. Location.

SEC. 4. That said bridge shall be erected and operated so as not to obstruct or hinder the navigation of vessels through the said bridge at any or all times, and that same shall be erected and operated according to plans to be approved by the War Department of the United States. Bridge not to hinder nor obstruct navigation. Plans to be approved.

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

Ratified this the 21st day of February, 1911.

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#### CHAPTER 193.

#### AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. Strike out all of section two in said chapter and add the following in said section: *Provided*, that no person shall kill more than five squirrels or offer for sale or sell more than two squirrels in any one day. Limit.

SEC. 2. That this act shall apply to Transylvania County only.

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

Ratified this the 21st day of February, 1911.

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#### CHAPTER 194.

#### AN ACT TO REGULATE THE KILLING OF WILD FOWL IN HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to hunt or shoot any wild ducks, geese or brant from a battery, box or blind, over any wooden or live decoys from the tenth day of April until the twenty-fifth day of November of any year. Close season.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than twenty-five dollars for each and every offense.

Misdemeanor.  
Punishment.

Application of act. SEC. 3. That this act shall only apply to the eastern shores of Pamlico Sound lying between Beacon Island or Long Rock and Hatteras Inlet, three miles from shore, in Hyde County.

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

Ratified this the 21st day of February, 1911.

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#### CHAPTER 195.

AN ACT TO PROHIBIT FISHING IN ANY OF THE WATERS OF ASHE COUNTY THAT HAVE BEEN OR MAY HEREAFTER BE STOCKED WITH FISH FURNISHED BY THE UNITED STATES FISHERIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to fish with hook, seine or otherwise in waters of Ashe County that have been or may hereafter be stocked with fish furnished by the United States fisheries, for a period of five years after such stocking.

Fishing forbidden  
for five years.

SEC. 2. Any person or persons who shall violate section one of this act shall be guilty of a misdemeanor, and upon conviction fined not less than five dollars (\$5) nor more than twenty dollars (\$20) for each and every offense.

Misdemeanor.  
Punishment.

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

Ratified this the 21st day of February, 1911.

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#### CHAPTER 196.

AN ACT AUTHORIZING THE REGISTER OF DEEDS OF CHEROKEE COUNTY TO CORRECT THE RECORD OF GRANT NUMBER ONE THOUSAND SEVEN HUNDRED AND FIFTY-THREE COVERING TRACT NUMBER FORTY-NINE, AND GRANT NUMBER ONE THOUSAND SEVEN HUNDRED AND FIFTY-FOUR, COVERING TRACT NUMBER FIFTY-ONE, IN DISTRICT NUMBER FIVE OF SAID COUNTY.

Preamble.

Whereas, on the twenty-sixth day of April, one thousand eight hundred and fifty-four, there was issued from the office of the Secretary of State of North Carolina to H. H. Davidson grant number one thousand seven hundred and fifty-three, for a tract of land num-

ber forty-nine, and grant number one thousand seven hundred and fifty-four for tract of land number fifty-one, both in district number five, Cherokee County.

And Whereas, the register of deeds of Cherokee County registered grant number one thousand seven hundred and fifty-three, covering tract number forty-nine in deed book "H," at page six hundred and forty-six, and by mistake registered same as tract number forty-eight; and registered grant number one thousand seven hundred and fifty-four, covering tract number fifty-one in deed book "H" at page six hundred and forty-five, and by mistake registered same as tract number sixty-one, Therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the register of deeds of Cherokee County do, and he is hereby authorized and directed to correct the record of grant number one thousand seven hundred and fifty-three covering tract number forty-nine in district number five, which grant is recorded in book "H" of deeds, at page six hundred and forty-six, in the office of the register of deeds for Cherokee County, so as to make the tract number read forty-nine instead of forty-eight; and that the said register of deeds do correct the record of grant number one thousand seven hundred and fifty-four, covering tract number fifty-one in district five, which grant is registered in the office of the register of deeds of Cherokee County in deed book "H," at page six hundred and forty-five, so as to make the tract number read fifty-one instead of sixty-one. Corrections authorized.

SEC. 2. This act shall not affect the accrued rights of others claiming adverse to the said H. H. Davidson, his heirs or assigns. Accrued rights saved.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 21st day of February, 1911.

## CHAPTER 197.

### AN ACT TO CREATE WATKINS TOWNSHIP IN VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a new township be and the same is hereby created in Vance County from portions of Kittrell and Dabney townships, to be known as Watkins Township, and bounded and described as follows, viz.: Beginning at Tabbs Creek in the Granville County line, and run thence along the line between Granville and Vance counties to the middle of old Oxford and Henderson stage road; thence along the middle of said road to Ruin Creek bridge; Township created.  
Boundary.

thence down Ruin Creek to Tabbs Creek and up Tabbs Creek to the beginning.

Township officers. SEC. 2. That all township officers of existing townships residing with in the bounds of Watkins Township shall not hold such positions as officers of the new township during the terms for which they were elected or appointed. All other positions shall be filled until the regular time for appointing or electing officers thereto, as in cases of vacancy.

Vacancies.

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

Ratified this the 21st day of February, 1911.

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### CHAPTER 198.

#### AN ACT TO AMEND THE LAWS RELATIVE TO HUNTING AND SHOOTING CERTAIN GAME BIRDS IN RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun, or in any manner injure, shoot or kill woodcock, quail and turkey in the county of Randolph between the first day of March and the fifteenth day of November in each year.

Repealing clause.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed and declared null and void.

Misdemeanor.

SEC. 3. Any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars, or imprisoned for not more than thirty days.

Punishment.

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

Ratified this the 21st day of February, 1911.

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### CHAPTER 199.

#### AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF DURHAM COUNTY TO PROVIDE FUNDS FOR THE ERECTION OF SCHOOL BUILDINGS.

*The General Assembly of North Carolina do enact:*

Power to borrow money.

SECTION 1. That the board of education of Durham County be and is hereby authorized and empowered to borrow a sum not to exceed twenty thousand dollars (\$20,000) for the purpose of erecting school buildings in said county, said amount to supplement any funds they may have in hand.

Amount.

SEC. 2. The county board of education from any sum borrowed under the provisions of this act, may make loans to any district in such county for the purpose of building schoolhouses in such district and the amount so loaned to any district shall be payable in as many equal installments as the board of education has years in which to repay the amount borrowed hereunder by it, and at the same rate of interest. At the January meeting of such county board it shall deduct from the apportionment made to any district which has borrowed of the money authorized by this act, the installment and interest then due, and shall continue to deduct such amount at each annual January meeting until the whole amount shall have been paid together with interest.

Loans to districts.

Loans payable  
in installments.Deductions from  
apportionments.

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 this the 21st day of February, 1911.

#### CHAPTER 200.

#### AN ACT FOR THE BETTER ENFORCEMENT OF THE GAME LAW IN CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Clay County are hereby constituted game protection commissioners for the better protection and preservation of game in said county and to secure the better enforcement of the game laws of said county.

Game protection  
commissioners.

SEC. 2. The said game protecting commissioners shall prescribe the form of license for nonresident hunters and shall furnish the clerk of the superior court of said county all license and other blanks and also a book for the purpose of keeping a record of all hunters' license that may be issued.

License for non-  
resident hunters.

Records of license.

SEC. 3. Any nonresident of said State of North Carolina who desires to hunt, shoot or trap birds or other animals in any part of said county (except a nonresident landowner) shall make application to the clerk of the superior court of said county who shall issue such a license upon payment of a tax of ten dollars and the clerk's fees amounting to fifty cents, the license shall expire on the termination of the hunting season.

Nonresidents to  
take out license.

License tax.

Clerk's fee.

Term of license.

SEC. 4. That all residents of the State shall be entitled to hunt in said county by paying a tax of five (\$5.00) dollars, and all non-residents of the State and county who own land in said county shall be entitled to hunt without paying a license for hunting on their own land.

License for resi-  
dents.Nonresident land-  
owners.

Game warden. SEC. 5. That the board of county commissioners shall appoint a game warden for said county on the last Monday in May who shall hold his office for a term of two years, and it shall be his duty to diligently enforce the game law of said county.

Term of office.

Duty.

Warden to qualify.

SEC. 6. That every warden so appointed shall before entering upon the duties of his office, take and subscribe before the clerk of the superior court an oath to faithfully perform the duties of his office and shall execute a bond in the sum of fifty dollars for the diligent performance of his duties, and the said oath and bond shall be recorded by the clerk in his office, and the warden so qualified shall possess and exercise all the power and authority held and exercised by the constable at common law, under the statute of this State: *Provided*, their powers shall only apply to the execution of any paper or papers and proceedings connected with the game law.

Bond.

Record of oath and bond.

Powers of wardens.

Proviso: limit.

Application of license fees.

SEC. 7. The funds received by the clerk of the superior court or other person from the sale of hunters' license shall be turned over to the treasurer, one-half of which shall be turned into the school fund of said county and the other half to be set apart as a fund for the enforcement of the game law in said county.

Misdemeanor.

SEC. 8. If any non-resident shall hunt in said county without a license as required by law or shall hunt upon the lands of another without the consent of the owner, shall be guilty of a misdemeanor, each day's hunting without a license shall be a separate offense, and shall be fined not less than ten dollars nor more than twenty-five dollars for each offense.

Separate offenses.

Punishment.

Close season.

SEC. 9. That all hunting under this act shall be prohibited from the fifteenth day of January to the fifteenth day of October.

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

Ratified this the 21st day of February, 1911.

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#### CHAPTER 201.

AN ACT TO REQUIRE THE REGISTER OF DEEDS OF THE COUNTY OF HENDERSON TO PAY ALL FEES COLLECTED INTO THE GENERAL COUNTY FUND.

*The General Assembly of North Carolina do enact:*

Payment directed.

SECTION 1. That all fees collected by the register of deeds for the county of Henderson shall be paid by him into the general county fund.

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

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

Ratified this the 21st day of February, 1911.

## CHAPTER 202.

AN ACT TO REGULATE FEES FOR RECORDING CROP LIENS  
AND CHATTEL MORTGAGES IN HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the register of deeds for Hertford County shall be entitled to charge a fee of sixty-five cents for recording and indexing any crop lien or crop lien with chattel mortgage clause and no more. Fee for recording and indexing.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed so far as they apply to Hertford County.

SEC. 3. This act to take effect from and after its ratification. Ratified this the 21st day of February, 1911.

## CHAPTER 203.

AN ACT TO PROVIDE FOR THE CONSTRUCTION, REPAIR  
AND MAINTENANCE OF THE PUBLIC ROADS OF RICHLAND  
TOWNSHIP ROAD DISTRICT IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory now surrounded by the township lines of Richland Township be and the same is hereby created as the Richland Township road district. District established.

SEC. 2. That B. D. Rowe, E. D. Lewis, and F. J. Guilford are hereby appointed as road commissioners for said district for a term of two years from December first, one thousand nine hundred and ten, with full power to lay out, establish, repair, construct, and discontinue the roads of said district as to them may seem for the best interest of the citizens of said district. Road commissioners. Term of office.

SEC. 3. That the system of compulsory free labor upon the public roads of said district, heretofore existing, is hereby abolished on and after August the fifteenth, nineteen hundred and eleven and the said road shall hereafter be constructed, repaired and maintained by taxation as is hereinafter provided for. Compulsory free labor abolished.

SEC. 4. That the aforesaid board of road commissioners of said district, in order to provide for the proper construction, improvement and maintenance of the public roads and bridges belonging to said roads of the said district, shall on the first Monday in June, nineteen hundred and eleven, and annually thereafter, levy a special road tax of ten cents on the one hundred dollars valuation of all Road commissioners to levy tax. Rate.

subjects of taxation contained within said district and two dollars poll tax upon all male persons living in said district between the ages of eighteen and forty-five years, which tax shall be used exclusively for the purposes aforesaid.

Power of commissioners.

SEC. 5. That the said board of road commissioners are hereby authorized and empowered to provide for the working of the roads of said district which they may deem proper, with full power to contract the same, publicly or privately, and to perform all such other duties from time to time as they deem for the best interest of said district.

Power to let roads to contract.

Streets of towns.

SEC. 6: That the said board of road commissioners are hereby directed to spend upon the streets of the incorporated towns within said district as near as possible to ascertain by estimate, seventy-five per cent of the amount paid to the road tax fund by the citizens of said towns, not including that part of the tax levied against country property.

Tax collector named.  
Compensation.

SEC. 7. That C. H. Roberson is hereby appointed collector of the aforesaid road tax and shall receive as compensation for the collection of said tax five per cent of all moneys collected and paid over to the treasurer: *Provided*, that the said C. H. Roberson shall execute and deliver to the said board a good and sufficient bond in the sum of two thousand dollars and shall take and subscribe before said board the oath as is now required of tax collectors.

Proviso: bond of tax collector.

Treasurer.

SEC. 8. That the treasurer of the town of Aurora shall be the treasurer of the said road district and shall have the same powers and duties as is now provided: *Provided*, that said treasurer shall execute and deliver to the said board of commissioners a good and sufficient bond in the sum of two thousand dollars and shall take and subscribe the oath prescribed by law for treasurers and shall receive for his services one-half of one per cent upon all receipts and two-per cent upon all disbursements.

Proviso: bond of treasurer.

Pay of commissioners.

SEC. 9. That the said road commissioners shall receive two dollars per day for each day actually engaged in the supervision of said roads.

Term of office.

SEC. 10. That the said board of road commissioners, tax collector and treasurer shall hold office until the next general election, at which time their successors shall be elected in the same manner as is now provided by law for the election of township officers.

Election of successors.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, 1911.

## CHAPTER 204.

AN ACT TO AUTHORIZE THE LEVY AND COLLECTION OF A  
SPECIAL SCHOOL TAX FOR GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of ascertaining the will of the people of Gaston County and of the several townships therein upon the question of levying and collecting a special school tax of twelve (12) cents on the one hundred dollars of valuation of property and thirty-six cents on each poll to supplement the school fund of said county, an election shall be held at all the voting precincts in said county of Gaston on the thirteenth day of May, nineteen hundred and eleven. There shall be a new registration of the voters of said county for said election, and the registration books shall be opened at nine o'clock a. m. on the fifteenth day of April, one thousand nine hundred and eleven, and shall be closed at sunset on the sixth day of May, one thousand nine hundred and eleven.

One registrar and two judges of election for each voting precinct in said county shall be appointed by the board of commissioners at their regular meeting on the first Monday in April, one thousand nine hundred and eleven, and notice of their appointment shall be served upon each of them by the sheriff or other process officer of said county within ten days thereafter.

Said registration and election shall be conducted and held, as near as may be, in the manner prescribed by law for election of members of the General Assembly, except as is herein otherwise provided. At said election all voters qualified to vote in said election who favor the levy and collection of such special taxes shall vote a ticket with the words "For special school tax" printed or written thereon, and those who oppose the levy and collection of such taxes shall vote a ticket with the words "Against special school tax" printed or written thereon.

The registrars and judges of election of each voting precinct shall meet at their respective precinct polling places at ten o'clock a. m. on the twelfth day of May, one thousand nine hundred and eleven, and shall hear any complaints for refusal of registration and all challenges which may be made against persons admitted to registration, and shall determine the same according to the provisions of the general election laws of this State, but nothing herein contained shall be so construed as to prevent challenges being made, heard and determined on election day.

At the close of the election in each precinct the votes shall be counted and returned over the signatures of the registrar and judges of election to the board of commissioners of said county;

Election on special school tax.

Rate.

Date of election.

New registration.

Time of registration.

Election officers.

Notice of appointment.

Law governing election.

Ballots.

Challenge day.

Challenges on election day.

Count and return of votes.

Canvass of returns. and, on Monday following such election, the same being the fifteenth day of May, one thousand nine hundred and eleven, the board of commissioners of Gaston County shall meet at the court-house in Gastonia as a canvassing board and shall receive said returns of said election, canvass and judicially pass upon the same and declare the result of such election and shall cause such returns to be recorded.

Declaration of result.

Record of returns.

Effect of election.

If a majority of the voters of Gaston County qualified to vote in said election shall have voted "For special school tax," the board of commissioners of said county shall, on the first Monday in June, one thousand nine hundred and eleven, and annually thereafter, levy a special school tax of twelve (12) cents on each hundred dollars valuation of property and thirty-six (36) cents on each taxable poll in said county, which taxes shall be collected and accounted for by the sheriff or other officer who may be charged with the collection of the taxes of said county, and he shall be subject to the same liabilities for the collection of and accounting for such taxes as other taxes, and he shall pay the same to the treasurer of the school board of said county, and the same shall be used for the purpose of supplementing the general school funds of said county.

Tax rate.

Township tax.

SEC. 2. That in case a majority of the voters of said county qualified to vote in said election shall fail to vote "For special school tax," but a majority of the voters in any township qualified to vote in said election shall vote "For special school tax," the same shall be annually levied and collected as aforesaid upon all property and polls within such township or townships and paid to said treasurer and used for the purpose of supplementing the general school funds of such township or townships and for no other purpose.

Reduction of tax levy.

SEC. 3. That whenever the special taxes provided for by this act shall be levied for said county or for any township therein the board of commissioners of said county, upon petition of a majority of the members of the local board or committee of any special school tax district or graded school district within the territory covered by this special levy shall reduce the local tax levy of such district an amount not exceeding the special tax provided for by this act.

Expense of election.

SEC. 4. That the expenses of this and all subsequent elections held under the provisions of this act shall be paid by the treasurer out of the general school fund of said county, upon the order of the county board of education.

Subsequent election.

SEC. 5. That in case a majority of the voters of said county qualified to vote in said election shall fail to vote "For special school tax," the board of commissioners of said county shall, upon the petition of a majority of the members of the county board of education of said county, on the first Monday in April in any subsequent year or years, order an election or elections for the same

purpose and under the same regulations as the one hereinbefore provided for, in so many of the townships in said county as shall have failed to authorize the levy and collection of this special tax at the former election.

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

Ratified this the 21st day of February, 1911.

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CHAPTER 205.

AN ACT FOR THE RELIEF OF C. E. GODWIN, CLERK OF  
THE SUPERIOR COURT OF DAVIDSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the superior court of Davidson County may absent himself from his office not exceeding three weeks during the year at any time or times during the year, except during terms of court, and he is hereby exempted from the provisions of the general law, for the term and not exceeding the times hereinbefore mentioned, as to attendance in his office upon Mondays, and from the penalties provided by the general law for such absence: *Provided*, that during his absence the said clerk shall have a competent deputy in charge of said office.

Leave of absence.

Proviso: competent deputy.

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

Ratified this the 21st day of February, 1911.

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CHAPTER 206.

AN ACT TO CONFER POLICE POWERS ON SHERIFFS AND  
CONSTABLES AT VALMEAD AND LOWER CREEK TOWNSHIPS,  
CALDWELL COUNTY, AND TO PROHIBIT PUBLIC  
DRUNKENNESS THERE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the sheriff or deputy sheriff in Caldwell County living and residing at Valmead, Caldwell County, or those appointed by the sheriff of Caldwell County for that section of said county in which Valmead is situated, and the constables of Lenoir and Lower Creek townships in said county, and he or they shall have power and authority to suppress all disturbances of the quiet and good order in the village of Valmead,

Duty of sheriff or deputy at Valmead.

In Lenoir and Lower Creek townships.

Arrests without warrant.

Power to summon assistance.

Power of entrance to enclosures and houses.

Prisoners taken before justice.

Commitment pending trial.

Powers as of policemen.

Badge.

Drunkness or loud and profane language a misdemeanor.

Punishment.

Sheriff to appoint deputy.

and to arrest under warrant all offenders against the same, but if such offense be committed in his presence, then such officers may arrest without warrant; and to prevent as far as possible all injury to property in said village, said sheriff or deputy sheriffs and constables 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 so summoned shall refuse to assist the said sheriff or deputy sheriffs or constables are hereby required to report the name of such persons to the proper authorities, to the end that he may be dealt with as law directs. Said sheriffs, deputies and constables shall have the power to enter the enclosure and houses of any person in 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 to enter and arrest. Any person arrested by said sheriff, deputy sheriffs or constables for any offense shall, as soon as practicable, be taken before some justice of the peace of Caldwell County, when and where formal complaint shall be lodged against such person as prescribed by law, to the end that such person may have a speedy trial, and be dealt with as the law directs, and in the meantime and until the case is disposed of such persons so under arrest may be detained and confined in a guard house or calaboose provided for that purpose by any of said officers, unless bail is given as provided by law.

SEC. 2. Such sheriff, deputy sheriffs and constables shall have the same power and authority in the said village of Valmead as policemen in incorporated cities and towns of this State have and exercise in said cities and towns and no more.

SEC. 3. Such sheriff, deputy sheriffs and constables when on duty shall severally wear a metallic shield with the word "Policeman" inscribed thereon, and the said shield shall always be worn in plain view except when employed as detectives.

SEC. 4. That every person found drunk on the streets or roads or in any public place in said village of Valmead, or in any public place within one-half mile of Moore Cotton Mills in said village of Valmead, or drunk or staggering along said streets or roads, and every person convicted of using loud and profane language in said territory 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. 5. That it shall be the duty of the sheriff of Caldwell County to appoint some competent and discreet deputy residing within the village of Valmead whose duty it shall be to enforce the pro-

visions of this act: *Provided, however,* that no one of the officers named herein shall have and exercise any authority under this act in that part of the territory within one-half mile of said Moore Cotton Mills which also lies in the corporate limits of the township of Lenoir. Proviso: territory not affected.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 21st day of February, 1911.

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CHAPTER 207.

AN ACT FOR THE RELIEF OF JAMES L. SHEEK, EX-SHERIFF  
OF DAVIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That James L. Sheek, ex-sheriff and tax collector of Davie County who has had the tax lists for the purpose of collecting the taxes of Davie County in his hands for the years of one thousand nine hundred and seven, one thousand nine hundred and eight, and one thousand nine hundred and nine, and in case of death or default, his personal representative, bondsmen or any agent that they may designate, 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 may hereafter be provided by law for the collection of taxes. Collection of arrears authorized.  
Years.  
Representative, bondsmen or agent.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who holds a receipt in full for the years named in section one of this act, or 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 after he shall have made a final settlement: *Provided,* that this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value and without actual notice of the non-payment of the taxes. Persons not compelled to pay.  
Proviso: sale of lands.

SEC. 3. That nothing herein contained shall be construed to relieve the said James L. Sheek, ex-sheriff and tax collector as aforesaid, his representative or bondsman from the liability imposed by law to pay the State, county and other taxes at the time and place required by law. Responsibility of sheriff and bondsman.

SEC. 4. That the authority herein given shall cease and determine on the thirty-first day of December, one thousand nine hundred and eleven. Term of authority.

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

Ratified this the 21st day of February, 1911.

## CHAPTER 208.

AN ACT TO PROTECT RAINBOW TROUT IN THE STREAMS  
OF OCONA LUFTY TOWNSHIP, SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

**Limit of size.** SECTION 1. That it shall be unlawful for any person to take and retain from the streams of Ocona Lufty Township, Swain County, any rainbow trout under the length of six inches.

**Misdemeanor.** 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.

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

Ratified this the 21st day of February, 1911.

## CHAPTER 209.

AN ACT TO PROTECT RAINBOW TROUT IN TOE RIVER IN  
MITCHELL COUNTY.

*The General Assembly of North Carolina do enact:*

**Protection.** SECTION 1. That it shall be unlawful to catch, kill or in any manner take rainbow trout from the Toe River or any of its tributaries above the mouth of Roaring Creek of said river in Roaring Creek, Cranberry, and Linville townships in Mitchell County for a period of three years from the first day of June, A. D. one thousand nine hundred and eleven.

**Deleterious substances.** SEC. 2. That it shall be unlawful for any person to place or permit any sawdust, tailings or shavings or other material deleterious to the life of fish in Toe River or any of its tributaries above the mouth of Roaring Creek of said river.

**Fishing on lands of others.** SEC. 3. That it shall be unlawful for any person to fish on the lands of another in or along the said Toe River in Roaring Creek, Cranberry, or Linville townships of Mitchell County without the written permission of the owner of the land.

**Misdemeanor.** SEC. 4. That any person violating sections one, two or three of this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not exceeding fifty dollars or be imprisoned not exceeding thirty days.

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

Ratified this the 21st day of February, 1911.

## CHAPTER 210.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-TWO OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FIVE, AND CHAPTER FOUR HUNDRED AND FORTY-FOUR OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO HUNTING IN CERTAIN TERRITORY IN RANDOLPH COUNTY, SO AS TO MAKE A UNIFORM LAW FOR HUNTING IN SAID COUNTY OF RANDOLPH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and twenty-two of the Public Laws North Carolina, session one thousand nine hundred and five, and chapter four hundred and forty-four of the Public Laws of North Carolina, session one thousand nine hundred and seven be and the same are hereby repealed. Laws repealed.

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

Ratified this the 21st day of February, 1911.

## CHAPTER 211.

AN ACT TO PROVIDE FOR A STOCK LAW IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners for the county of Transylvania shall submit to the voters under the general law governing stock law elections, the question of stock law or no stock law in the following boundary in the said county of Transylvania, to wit: Question submitted to voters.

Beginning at the standing stone at the junction of the Henderson and Transylvania County line with the South Carolina line; then with the Henderson and Transylvania County line to the Green River road near Blue Ridge church; then with said road as near as practicable to the northeast corner of L. H. Allison's fence; then with his south and outside fence to W. P. Bishop's heirs' south fence; then with the same to Stone's; then with his south fence to Hooker heirs; then with their outside south fence to the Little River road leading to Jones Gap, crossing same; then with the line fence between Hooker's and Stone's heirs; then with line of Boundary of territory.

E. A. Heath and Stone heirs; then with south fence of John Hunt and Lucy Hunt, to Croft's south fence; then with the same to J. S. Felder's south fence; then with the same to V. B. McGaha's south fence; then with his to A. L. Harden's south fence; then with the same to Southern Stock and Farming Company's south fence; then with the same as near as practicable to top of Adams' Mountain; then to the southeast corner of Pink Lyday's south fence to what is known as the Jack road, crossing same; then to the southeast corner of Felix Rabb's fence; then with the same to Tom Eubank's and General Eubank's fence; then with their south fence to Lige Eubank's; then with his south fence to the southwest corner; then to the west fork of Carson's Creek near Conestee Falls; then up and with said creek to top of Crawford's Mountain; then with a ridge to the junction of East Fork and Gladly Fork; then to the Elliott rock in South Carolina line.

Effect of election.

SEC. 2. That at said election if a majority of the voters in said boundary shall vote "For stock law," then said boundary shall be declared by said commissioners to be in the stock law; but if a majority of the voters in said boundary shall vote "Against stock law," then said commissioners shall declare said boundary to be out of the stock law and said stock law shall not be in force in said boundary.

Building of fence.

SEC. 3. That should the election held in said boundary be in favor of stock law, then and in that event no tax shall be levied by the commissioners of said county to build the fence around the boundary, but same shall be done by the residents in said boundary by subscription or otherwise as they may agree among themselves and the same shall be kept up thereafter in the same manner.

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

Ratified this the 21st day of February, 1911.

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## CHAPTER 212.

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND THIRTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AND CHAPTER FOUR HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO HUNTING IN RANDOLPH COUNTY, SO AS TO MAKE A UNIFORM LAW FOR HUNTING IN SAID COUNTY OF RANDOLPH.

*The General Assembly of North Carolina do enact:*

Laws repealed.

SECTION 1. That chapter four hundred and thirty-nine of the Public Laws of North Carolina, session of one thousand nine hun-

dred and five, and chapter four hundred and forty-five of the Public Laws of North Carolina, session of one thousand nine hundred and seven, be and the same are hereby repealed.

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

Ratified this the 21st day of February, 1911.

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CHAPTER 213.

AN ACT FOR THE RELIEF OF W. H. WORTH, CLERK OF THE SUPERIOR COURT OF ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. H. Worth, clerk of the superior court of Ashe County be and he is hereby permitted to absent himself from his office one Monday in each month, provided the same is not a first Monday of the month: *Provided, further*, that he leave a competent deputy in his office to transact the duties thereof. Leave of absence.  
Proviso: competent deputy.

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

Ratified this the 21st day of February, 1911.

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CHAPTER 214.

AN ACT TO FIX SALARIES FOR PUBLIC OFFICERS AND CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN PERSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sheriff of Person County may appoint one deputy in each township in the county, and may allow such deputies the fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and all fees and commissions made and collected by them from executions. Deputies.  
Fees.

SEC. 2. All other fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of said county to be disposed of as hereinafter provided. Fees to be collected and turned over.

SEC. 3. The sheriff shall appoint a jailer whose salary shall be fixed by the board of county commissioners. Appointment and salary of jailer.

SEC. 4. The said sheriff shall receive a salary of fifteen hundred Salary of sheriff.

- dollars per annum in lieu of all other compensation whatsoever, and shall appoint one office deputy at a salary of five hundred dollars per annum.
- Office deputy and salary.      SEC. 5. The clerk of the superior court and the register of deeds of said county shall faithfully collect, account for and turn over to the treasurer of said county to be disposed of as hereinafter provided, all fees, commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office.
- Clerk and register of deeds to collect and turn over fees.
- Salary of clerk.      SEC. 6. The clerk of the superior court shall receive a salary of one thousand dollars per annum in lieu of all other compensation whatsoever.
- Salary of register.      SEC. 7. The register of deeds of said county shall receive a salary of twelve hundred dollars per annum in lieu of all other compensation whatsoever: *Provided*, that the county commissioners may make an additional allowance for making out the tax lists and transcribing the same.
- Allowance for tax lists.
- Salary of treasurer.      SEC. 8. The treasurer of Person County shall receive a salary of five hundred dollars per annum in lieu of all other compensation whatsoever.
- Auditor.      SEC. 9. The office of auditor for Person County is hereby instituted and created.
- Appointment of auditor.      SEC. 10. That the said auditor shall be appointed by the board of county commissioners of Person County at their first regular meeting after the ratification of this act and shall hold his office for the term of two years and until his successor is duly appointed by the county commissioners and qualifies.
- Term of office.
- Duties of auditor.      SEC. 11. That said auditor shall well and truly audit all books of all public officers of said county at least four times a year and shall report the same to the county chairman of said county at their first meeting after he has audited said books as above set out, and for such services shall receive the sum of three dollars per day for each and every day he is actually engaged in auditing said books.
- Pay of auditor.
- Bond of auditor.      SEC. 12. That said auditor shall enter into a bond in the sum of two thousand dollars payable to the State of North Carolina, conditioned that he shall diligently, truly and faithfully perform all duties of said office.
- Payment of salaries and allowances.
- Separate fund.      SEC. 13. The salaries and allowances herein provided for shall be paid by the treasurer of said county upon warrant, as required by law, to the officers in monthly installments.
- Apportionment.      SEC. 14. All the moneys coming into the hands of the treasurer of Person County by virtue of this act shall be held by him as a separate and distinct fund; and after paying the salaries and allowances provided for in this act, the balance of said fund shall annually be divided equally between the public school fund and the fund for public roads of Person County.

- SEC. 15. The officers hereinbefore named are required to turn over to the treasurer of Person County moneys coming into their hands and shall make settlement with said treasurer on the last day of each and every month, and the county commissioners may at any time require said officers or any of them to exhibit to them all books and accounts, showing all moneys received and turned over to the treasurer under the provisions of this act. Monthly settlements.  
Exhibit of books and accounts.
- SEC. 16. Any officer who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office shall be guilty of a misdemeanor. Failure to collect fees a misdemeanor.
- SEC. 17. All laws and parts of laws in conflict herewith are hereby repealed. Repealing clause.
- SEC. 18. That this act shall be in full force and effect on and after the first Monday in April, one thousand nine hundred and eleven. When act effective.
- <sup>1</sup>Ratified this the 21st day of February, 1911.

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#### CHAPTER 215.

### AN ACT FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN SAND HILLS TOWNSHIP, MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That W. A. Blue, A. H. McLeod and D. P. Blue be and they are hereby created a board of road commissioners for Sand Hills Township, Moore County, who shall qualify by taking an oath of office before some officer authorized to take oaths to faithfully and honestly discharge the duties of their office, and shall hold office until the first Monday in January following the next general election to be held for members of the General Assembly and until their successors are elected and qualified. On the said first Monday in January, and biennially thereafter, the board of commissioners of Moore County shall elect the board of road commissioners of Sand Hills Township for a term of two years and until their successors are elected and qualified, from the resident freeholders of said township. Said board of road commissioners shall fill all vacancies occurring in their board. The members of said board shall receive for their services not more than two dollars per day for the time actually employed in performing the duties of their office hereinafter prescribed. Road commissioners.  
Commissioners to qualify.  
Term of office.  
Election of successors.  
Vacancies.  
Pay of commissioners.
- SEC. 2. That the said division of Moore County known as Sand Hills Township shall, for the purposes of this act, be and is hereby declared a body corporate by the name and style of "Sand Hills Township," and is vested with all the necessary power and authority Township incorporated.

Corporate agents.	to carry out the provisions of this act and exercise all the rights and privileges incidental to municipal corporations generally. The board of road commissioners of said township and their successors
Official title.	are declared to be the corporate agents of said township, and may sue and be sued under the name of the "Board of Road Commissioners of Sand Hills Township," and shall have the power and authority to carry out the provisions of this act.
Duties of board.	SEC. 3. That it shall be the duty of said board of road commissioners to take entire control and management of all the public roads in said township, and the said board shall have the power and it shall be their duty to determine what public roads shall be opened, built, improved, relocated or discontinued in said township.
Quarterly meeting.	SEC. 4. For the purpose of carrying out the provisions of this act the board of road commissioners shall meet at stated times not less
Delegation of powers.	than once in every three months, and may delegate to one of their number any or all powers conferred on said board of road commissioners by this act. The said board of road commissioners shall
Organization.	annually elect one of their number chairman of the board, and shall also elect a secretary, who may or may not be a member of the board, who shall keep an accurate account of all the proceedings had by the board at each meeting thereof, in a suitable book provided for this purpose, and do such other work as the board of road commissioners shall see fit to require of him, and the said board may allow him suitable compensation therefor.
Compensation of secretary.	SEC. 5. The board of road commissioners created by this act and the boards to be thereafter elected under the provisions of this act shall at their first meeting elect a treasurer of said board, who
Treasurer.	shall hold office during the term of said respective boards. All road taxes collected by the sheriff of Moore County for Sand Hills Township and all moneys collected by said sheriff or any other person on account of said roads shall be paid to said treasurer, and upon receipt of said moneys the said treasurer shall give receipt therefor.
Term of office.	The said sheriff of Moore County is hereby required to settle with said treasurer not later than the second Monday in May of each year, and the treasurer of Moore County is hereby authorized and directed to pay to the treasurer of the board of road commissioners of Sand Hills Township, as soon as his bond has been approved, all moneys for the road fund of said township. Said treasurer shall also receive the proceeds from any bonds that may be sold under the provisions of this act and any interest that may accrue from the sinking fund herein provided for. Before entering upon the duties of his office said treasurer shall execute a bond, with sufficient sureties, in a sum to be fixed by said board of road commissioners, not less than the amount of funds that may come into his hands during any one year, conditioned as provided by law for the faithful discharge of his duties as treasurer, which bond shall be
Road funds to be paid to treasurer.	
Settlements.	
Treasurer to give bond.	

approved by the board of commissioners of Moore County and recorded in the book of official bonds of said county. Said treasurer shall only disburse said funds coming into his hands and belonging to the road fund of said township upon written orders signed by the chairman of the board of road commissioners, which shall be the only sufficient voucher for the disbursement of said fund. The said treasurer shall render an itemized account of the receipts and disbursements of said road fund to the board of road commissioners of said township every three months, and said reports, when approved by the board of road commissioners of said township, shall be recorded in the office of the register of deeds of Moore County, in the book of official reports. The said board of road commissioners shall fix the compensation to be paid to the treasurer: *Provided*, it shall not exceed one per cent of all the disbursements made by said treasurer. Said board of road commissioners may require the treasurer to execute the bond herein required in some bonding company to be approved by the board, in which case the said board of road commissioners shall pay the premiums due on said bond out of the road fund of said township.

Road orders.

Quarterly accounts.

Compensation of treasurer.  
Proviso: limit.

Execution of bond.

SEC. 6. The board of road commissioners shall annually appoint or elect a supervisor of roads, whose duty it shall be, under the direction of the board of road commissioners, to supervise, direct and have charge of the maintenance, improvement and construction of all the public roads in Sand Hills Township. Said supervisor shall submit monthly statements to the board of road commissioners, showing the cost of the work on the public roads of said township, all expenditures made thereon for the month, together with any other information that may be required by said board from time to time, and he may be required by said board to give bond in such sum as said board may fix for the faithful performance of his duties and for the proper keeping of accounts, said bond to be approved by the board of road commissioners, and may by their order be recorded in the office of the register of deeds of said county. The board of road commissioners of said township shall fix the compensation to be paid said supervisor for his services.

Supervisor of roads.  
Duty of supervisor.

Monthly statements.

Bond of supervisor.

Compensation of supervisor.

SEC. 7. The said board of road commissioners shall have full power and authority to purchase tools, machinery and other things necessary for the laying out, working, maintenance and establishment of the public roads of said township, and may employ a surveyor to lay out the roads of said township and make any changes in said roads that they may deem necessary.

Purchase of tools and other necessities.

Surveyor.

SEC. 8. Said board of road commissioners shall audit the accounts of the sheriff of Moore County for all taxes levied and collected for the road fund of said township under the provisions of this act, and make a settlement of the same between said sheriff and the treasurer of said board, which said settlement shall be spread upon the

Audit of accounts and settlements.

records in the office of the register of deeds of said county, and said board of road commissioners may institute and prosecute any action for the recovery of any such taxes or any road fund for which any officer may fail to properly account.

Officer making fraudulent order guilty of misdemeanor.

SEC. 9. Any member of the board of road commissioners or supervisor of Sand Hills Township who shall make or cause to be made any fraudulent order, whereby money is to be paid out of said township road fund, shall be guilty of a misdemeanor and fined or imprisoned, or both, at the discretion of the court, and shall, upon conviction, be removed from office.

Punishment.

Entrance on lands.

SEC. 10. That for the purpose of building, locating, repairing or maintaining public roads in said township, under the direction of the board of road commissioners, the said supervisor shall have full power and authority to enter in and upon any lands in said township or any adjoining lands near any public road in said township and cut down and carry away any trees or timber or remove any sand, clay, gravel or stone which may be necessary to repair, construct or improve said roads, and may also construct or open upon or over said lands all necessary ditches or drains for the construction, improvement or maintenance of said road. If the owner of the land over which any road is constructed or from which any material is removed, or on which any drains or ditches are made or caused to empty, shall demand compensation and present his claim to the board of road commissioners, it shall be the duty of said board to pass upon and consider the same and to pass an order for the payment of said account, if the said board shall deem it just: *Provided*, that in the event any person over whose land any new road has been located or material removed or drains made shall claim damage therefor, which the said board shall refuse to pay, such person claiming damages shall, within thirty days after the location of the road, the removal of material or making said drains, petition the said board of road commissioners for a jury to assess said damages. It shall then be the duty of said board, within sixty days after the completion of said road, to order a jury of three disinterested freeholders of Sand Hills Township to be summoned by the sheriff of Moore County as provided by law, and the jury so selected shall give three days notice to the landowner where and when the said jury shall meet to assess his damages; and it shall be the duty of said jury in considering said damages to take into consideration any decrease in said damages by any benefit to the owner of the land by reason of the construction or improvement of said road, and if the benefits derived are equal to or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to the board of road commissioners for confirmation or revision: *Provided, further*, that the landowner may appeal to the superior court of Moore County from the decision of the jury and board of road commissioners.

Ditches and drains.

Payment to landowner.

Proviso: proceedings for assessment of damages.

Proviso: right of appeal.

SEC. 11. That on Tuesday after the first Monday of April, one thousand nine hundred and eleven, there shall be an election held in said township on the question whether the said township shall issue coupon bonds in the sum of ten thousand dollars, as hereinafter prescribed, and whether a tax shall be levied on the taxable property in said township, as hereinafter prescribed, for the payment of said bonds, when the same shall become due, according to their tenor, and the interest that may accrue thereon, the proceeds arising from the sale of said bonds to be used in laying out, making, repairing, grading and maintaining the public roads in said township: *Provided*, that if a majority of the qualified voters of said township shall not at said election vote to issue said bonds and for the levying of said tax, the said board of commissioners of Moore County shall at any time thereafter again submit said question to the qualified voters in said township, on the petition of one-fourth of the qualified voters resident in said township, and the election may be held at any time or times thereafter, under the provisions and regulations hereinafter prescribed upon such petition.

Date for election  
on bond issue.

Proviso: subse-  
quent elections.

SEC. 12. The election or elections authorized and ordered to be held upon the question submitted to the qualified voters of said township under the preceding section shall be held at the regular voting places in said township which are or may hereafter be prescribed for holding elections for members of the General Assembly, and the said board of commissioners of Moore County shall have power and authority to appoint all registrars and judges of election and other officers necessary for the holding of said elections. No new registration of voters shall be required for said election, but the registrars appointed for said election shall so revise the registration books that they may show only the names of the duly qualified electors residing in said township and entitled to vote in said election, and shall register all duly qualified voters who may become entitled to vote in said election and whose names do not appear upon such registration books, under the rules and laws prescribed for the election of members of the General Assembly. At the close of said election or elections the registrar and judges of election shall count and canvass the vote cast at said election and declare the result thereof, and shall report the result of such count and canvass in writing to the board of commissioners of Moore County at the next meeting held by said board after said election, and at the meeting of said board of commissioners held after said report has been made the said board of commissioners shall canvass said returns and declare the result of said election and record the same in the minutes of said board, and no other canvass of said election shall be necessary to determine the result thereof.

Voting places.

Election officers.  
Registration.

Count and canvass  
of votes.

Declaration of  
result.  
Report.

Record of result.

SEC. 13. That at said election or elections held under the provisions of this act, as aforesaid, all the qualified voters of said

Ballots.

township who shall favor the issue of bonds as hereinafter prescribed and the levy of the special tax as hereinafter prescribed shall vote a ballot on which shall be written or printed or partly written and partly printed "For Good Roads," and those who are opposed to the issue of said bonds and the levy of said special taxes as hereinafter prescribed shall vote a ballot on which shall be written or printed or partly written and partly printed the words "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed by law for the election of members of the General Assembly.

Law governing elections.

Effect of election.

Amount of bond issue.

Denominations.

Interest.

Maturity.

Proviso: classification of bonds.

Issue of bonds.

Proviso: limit of issue.

Authentication.

Style of bonds.

Record.

SEC. 14. In the event a majority of the qualified voters of said township shall, at said election or any election held as aforesaid under the provisions of this act, vote "For Good Roads," the result shall be declared, counted, canvassed and recorded as hereinbefore provided, and the board of road commissioners of Sand Hills Township are thereupon authorized and empowered to issue and sell coupon bonds for said Sand Hills Township, payable to bearer, in the sum of ten thousand (\$10,000) dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of said bonds at a rate not to exceed six per cent per annum, and payable semi-annually on the first days of January and July in each year until said bonds are fully paid; that the said bonds shall be made payable at a time to be fixed by said board of road commissioners of Sand Hills Township and named therein, not to be more than thirty nor less than ten years after date, both bonds and coupons to be made payable at the office of the treasurer of said board: *Provided, however,* that the said board of road commissioners of Sand Hills Township may divide said bonds into classes as said board may determine, and have them mature at different convenient dates between the limits aforesaid. The said board of road commissioners of said township may in their discretion issue a part of said bonds and make sales of the same, under the provisions of this act, at different times and dates: *Provided,* that the whole issue shall not exceed the said sum of ten thousand dollars. It is further enacted that the said bonds and their coupons shall be numbered consecutively, beginning with number one. The bonds shall be signed by the chairman of the board of commissioners of Moore County and countersigned by the chairman of the board of road commissioners of Sand Hills Township, and shall have affixed thereto the seal of the office of the register of deeds of Moore County, and the coupons attached to said bonds shall be signed by the chairman of the board of commissioners of Moore County or shall have his lithographed signature thereon, and the said bonds shall be styled "Sand Hills Township road bonds"; that a record shall be kept of said bonds by the board of road commissioners of said township showing numbers and denominations thereof, the date

of issuing the same, 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 of the sale thereof to the treasurer of said township, and such other data in relation to the same as said board of road commissioners of said township may direct to be kept.

SEC. 15. That the bonds hereby authorized to be issued shall not be sold for less than par value, and shall not be delivered to the purchaser thereof until the purchase money thereof shall be paid to the treasurer of said township, as herein provided; and said treasurer shall receive all such moneys paid in the purchase of said bonds in his official capacity, and he and the sureties of his official bond shall be liable therefor, and shall disburse the same only as provided by this act, upon the order of the board of road commissioners of said township or the chairman thereof, duly authorized by said board, upon written order signed by said chairman. The money realized from the sale of said bonds or any portion thereof, as provided by this act, shall only be used for the purpose of establishing, laying out, improving, grading and maintaining the public roads of Sand Hills Township: *Provided*, that the purchaser of said bonds shall not be held responsible for the application of said fund.

Sale of bonds not below par.

Treasurer to receive bonds.

Liability of treasurer.

Orders for payment.

Specific appropriation.

Proviso: duty of purchasers.

SEC. 16. That the cost of issuing said bonds shall be paid by the board of road commissioners of said township from the road tax collected in said township for road improvement.

Cost of issuance.

SEC. 17. For the purpose of paying the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the board of commissioners of Moore County shall, annually, at the time of levying the county and other taxes required by law to be levied, levy a special tax on all persons and property subject to taxation within the limits of said Sand Hills Township, not to exceed fifteen cents on each one hundred dollars assessed valuation of real and personal property and forty-five cents on each taxable poll, and the tax so levied shall be collected by the sheriff of Moore County in the same manner as other taxes in the county of Moore, and paid over by him to the treasurer of the board of road commissioners of Sand Hills Township. The said taxes so levied shall be applied first to the payment of the interest on the bonds as the same shall become due, and the balance shall constitute a sinking fund for the payment of the principal of said bonds at maturity, which fund may be invested by the treasurer of the board of road commissioners of said township, under the direction of said board, the interest arising from said investment to constitute a part of the road fund of said township. The board of road commissioners of said township are authorized and empowered, at any time before said bonds may become due, to use any part of said sinking fund

Special tax.

Rate.

Application of taxes.

Investment of sinking fund.

Purchase of bonds.

- in the purchase of said bonds or any part thereof if agreement can be had with the holders thereof: *Provided*, that no greater price shall be paid for any of said bonds than the amount received therefor, with interest due on the same to the date of purchase added.
- Proviso: limit of price.**
- Obligation on township.** SEC. 18. That the bonds issued under the provisions of this act shall be and constitute obligations of Sand Hills Township and shall be payable only by said township as provided in this act.
- Bridges.** SEC. 19. That nothing in this act shall be construed to release the board of commissioners of Moore County from the duty of building and maintaining all bridges on the public roads of Sand Hills Township, as provided by law.
- Special road tax.** SEC. 20. That in addition to the special taxes authorized to be levied by this act for the purpose of paying the interest on the bonds herein provided for, and the principal at maturity, the board of commissioners of Moore County, for the purpose of laying out, establishing, improving, repairing, grading and maintaining the public roads of Sand Hills Township, shall annually, at the time of levying county and other taxes, levy a special tax on all persons and property subject to taxation within the limits of Sand Hills Township of ten cents on each one hundred dollars assessed valuation of real and personal property and thirty cents on each taxable poll, and the tax so levied shall be collected by the sheriff of Moore County in the same manner as other taxes, and paid over by him to the treasurer of the board of road commissioners of said township, who shall disburse same for the purposes for which it was levied and collected only in the manner hereinbefore authorized. If a majority of the qualified voters of Sand Hills Township, at the election herein authorized to be held, shall fail to cast their votes for the issuance of the bonds herein described, then the board of commissioners of Moore County shall be authorized and directed, for the purpose named in this section, to levy annually at the time mentioned in this section a special tax on all persons and property subject to taxation within the limits of said township of twenty-five cents on each one hundred dollars assessed valuation of real and personal property and seventy-five cents on each taxable poll instead of the levies hereinbefore first authorized in this section, and this act shall thereupon become the law applicable to said township, and shall be substituted for the law now governing said township for the laying out, building, repairing and the improvement of roads therein.
- Rate.**
- Road tax if bonds not issued.**
- Rate.**
- Record of road orders.** SEC. 21. That the board of road commissioners of said township shall keep a record of all orders made upon the treasurer of said board for the payment and disbursements of moneys under the provisions of this act, and shall, annually, within five days after the first Monday in January, make out a statement showing the name of every individual whose account has been audited and allowed under the provisions of this act, and the amount of the same for
- Annual statements.**

the previous year; the total amount of revenue received by the treasurer of said board and the sources from which it was received, by items, and all disbursements on every account; all property and assets of said township, together with the permanent debt of the township, if any, when contracted, and the interest paid or remaining unpaid thereon. Said statement shall be recorded in the office of the register of deeds of Moore County, in the book of official reports, and shall be posted at three or more public places in said Sand Hills Township.

Statement to be recorded.

SEC. 22. That if, at an election to be held in the county of Moore on the same date provided for holding an election under the provisions of this act, upon the question of issuing bonds of the county of Moore in the sum of one hundred thousand dollars for the building, repairing and macadamizing the public roads of the county and for levying the taxes to repay the same, pursuant to the provisions of an act of the General Assembly passed at this session, entitled "An act to authorize the board of commissioners of Moore County to submit to the qualified voters of said county the question of issuing bonds for the purpose of making and improving the public roads of said county," a majority of the qualified voters of Moore County shall vote "For Good Roads Bond Issue," none of the provisions of this act shall thereafter be in force and effect: *Provided*, that until the happening of said contingency, and unless such contingency shall happen, all the provisions of this act shall be in full force and effect as herein prescribed and to the same extent as if this section were not included in this act.

Act not effective if bonds voted by county.

Proviso: act to be effective.

SEC. 23. That Sand Hills Township shall be authorized and empowered to receive gifts, donations and conveyances of real estate or personal property for the purposes of maintaining park and pleasure grounds for the benefit of the public, and the board of road commissioners of said township are authorized and empowered to enact rules, regulations and laws for the government of the same and receive donations in money and property to improve and beautify the same.

Parks and pleasure grounds.

SEC. 24. That the Secretary of State is hereby directed to send to the register of deeds of Moore County immediately after the ratification of this act a certified copy thereof.

Certified copy to be sent.

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

Ratified this the 22d day of February, 1911.

## CHAPTER 216.

## AN ACT TO REGULATE THE KILLING OF DEER IN THE COUNTY OF WASHINGTON.

*The General Assembly of North Carolina do enact:*

Close season. SECTION 1. That it shall be unlawful for any person or persons to kill or hunt with dogs or gun any deer in the county of Washington between the fifteenth day of January and the first day of October of each and every year.

Misdemeanor. SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.

Punishment. SEC. 3. That all laws and clauses of laws in conflict with this act so far as it affects the county of Washington are hereby repealed.

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

Ratified this the 21st day of February, 1911.

## CHAPTER 217.

## AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-NINE OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINE, BY CONFERRING CIVIL JURISDICTION ON THE RECORDER'S COURT OF NEW HANOVER COUNTY, AND BY INCREASING THE PAY OF THE OFFICERS OF SAID COURT.

*The General Assembly of North Carolina do enact:*

Salary of recorder. SECTION 1. Amend section three of chapter three hundred and ninety-eight of the Public Laws of North Carolina of one thousand nine hundred and nine, by changing the words "twelve hundred" in line twelve of said section to read "two thousand."

Salary of clerk. SEC. 2. Amend section six of chapter three hundred and ninety-eight of the Public Laws of North Carolina of one thousand nine hundred and nine, by changing the word "fifty" in line four of said section to read "eighty-three."

SEC. 3. Amend section eight of chapter three hundred and ninety-eight of the Public Laws of one thousand nine hundred and nine, by striking out all of subsection (c) of said section eight and insert in lieu thereof the following: (c) Said court, in addition to

the jurisdiction conferred in subsections (a) and (b) of this section, shall have final, exclusive, original jurisdiction of larceny and receiving stolen goods, knowing them to be stolen, where the property stolen does not exceed twenty dollars in value, and exclusive original jurisdiction of all other criminal offenses committed in said county below the grade of felony, as now defined by law, and the same are hereby declared to be petty misdemeanors: *Provided, however,* the grand jury of the superior courts of said county shall have the right, and it is hereby authorized so to do, to summon witnesses before and inquire into the commission of any of the offenses declared by this subsection to be petty misdemeanors, but in the event that any presentment is made or a true bill found, it shall be the duty of the judge of the superior court to remand said cases to the recorder for trial as is prescribed by law: *Provided, further,* that if the recorder's court shall not take official cognizance of any offense whereof it is given exclusive original jurisdiction within sixty days after the commission of the offense, the superior court shall have jurisdiction of such offense, concurrently with the recorder's court.

Jurisdiction.

Proviso: indictment by grand jury.

Proviso: lapse of jurisdiction.

SEC. 4. Amend section eight of chapter three hundred and ninety-eight of the Public Laws of North Carolina of one thousand nine hundred and nine, by adding at the end thereof the following:

“(a) Said court shall have all jurisdiction and powers in all civil matters arising in said county which are now or may hereafter be given to the justices of the peace, and in addition to the jurisdiction conferred by this section shall have concurrent original jurisdiction of all other civil actions arising in said county out of contract, where the sum demanded does not exceed the sum of five hundred dollars, and those arising out of tort, where the value of the property or the amount in controversy does not exceed two hundred dollars.

Civil jurisdiction.

“(b) That in the trial of civil cases before the recorder, either the plaintiff or the defendant may demand and have a jury as provided in the trial of causes in the superior court, and the recorder of said court, in all cases, whether civil or criminal, when in his opinion the ends of justice would be best served by submitting the issue to the jury, may have a jury called of his own motion as is prescribed in subsection (c) of this section, and submit the issues to the jury, and the jurors who actually serve shall receive one dollar per day in full compensation for all services as jurors in said court, to be paid by the treasurer of said county upon presentation of ticket duly issued by the clerk of the recorder's court, and further, that the clerk of said court shall tax the sum of three dollars as cost of jury in all jury cases and the same to be paid by said clerk to the county treasurer.

Jury trials.

Pay of jurors.

Jury tax.

“(c) That the commissioners of New Hanover County, at their Jury list.

regular meeting on the first Monday in March in the year one thousand nine hundred and eleven, and every two years thereafter, shall cause the names of their jury list to be copied on small scrolls of paper, of equal size and put into a box procured for that purpose, which must have two divisions, marked number one and number two, respectively, and two locks, the keys of one to be kept by the sheriff of the county, the other by the chairman of the board of commissioners, and the box by the clerk of the board, which box shall be marked 'Recorder's Court,' and the names in this box shall be drawn for juries acting as jurors in the recorder's court, and when a jury is demanded, the sheriff shall cause to be drawn from the box out of partition number one, by a child not more than ten years of age, fifteen scrolls, and the scrolls so drawn to make the jury shall be put in the partition marked number two, and in all other respects the jury shall be drawn as they are in the superior court, and the challenges allowed in the trial of causes before the recorder shall be the same as are allowed in the trial of causes in the superior court. But all jurors drawn from the box shall be regular jurors.

Drawing jury.

Challenges.

Appeals.

"(d) Any person desiring to appeal to the superior court, in a criminal or civil case, from a judgment of the recorder's court, shall be allowed to do so in the same manner as is now provided for appeals from the courts of justices of the peace.

Summons in civil actions.

"(e) All civil actions shall be commenced in said recorder's court by summons issued by the clerk of the recorder's court, and shall be returnable the first Monday after service: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on or before the return of such summons. The defendant shall file his written answer or demurrer on or before Wednesday night following the return day of said summons, and the case shall stand for trial on the first Monday after the return day thereof.

Pleadings.

Trial day.

Judgments docketed.

"(f) All judgments for the plaintiff rendered by the recorder shall be duly docketed in the office of the clerk of the superior court, and execution shall issue thereon as is now provided by law for executions.

Election of plaintiff.

"(g) In all actions and matters where a justice of the peace does not now have exclusive original jurisdiction the plaintiff in such action may bring original suit, either in the recorder's court or in the superior court of New Hanover County, at their election.

Number of jury.

"(h) That when a jury trial is had, the jury shall be twelve in number, and the proceedings of this court shall be the same as are now prescribed for jury trial in the superior court, but in all other matters shall be the same as are now prescribed for justices of the peace; and in all cases there shall be a right to appeal on the part

Proceedings on jury trial.

Right of appeal.

of the defendant in the trial of criminal cases and on the part of

either the plaintiff or defendant in civil cases to the ensuing term of the superior court, and in all such cases of appeal the defendant in a criminal action shall be required to give bond, with sufficient surety, to be fixed by the said recorder, conditioned for the defendant's appearance at such court, and in default thereof the recorder shall commit such defendant to the common jail of New Hanover County until said defendant shall give bond or be otherwise discharged according to law." Bond on appeal  
in criminal cases.

SEC. 5. Amend section eighteen of chapter three hundred and ninety-eight of the Public Laws of North Carolina of one thousand nine hundred and nine, by striking out the word "recorder" where it first appears in said section and add in lieu thereof at the end of said section the following: "The recorder may be removed from office for the same causes and in the same manner as prescribed for removal from office of judges of the superior court." Removal from  
office.

SEC. 6. That this act shall be printed at once, upon its ratification, and a copy thereof mailed by the Secretary of State to the chairman of the board of commissioners of New Hanover County. Copy of act to be  
forwarded.

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

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

Ratified this 22d day of February, 1911.

#### CHAPTER 218.

### AN ACT TO DRAIN THE LOWLANDS OF POTT'S CREEK AND ITS TRIBUTARIES, IN LINCOLN AND CATAWBA COUNTIES.

Whereas, there are many acres of land on Pott's Creek and its tributaries, in Lincoln and Catawba counties, that have been, are now and are liable to be greatly damaged and diminished by reason of the shallow and narrow channel of said creek and the filling of same, by reason of the limited and sluggish flow of said creek and improper drainage; and whereas, by reason of same, the bottom lands overflow and become wet and soggy, the formation of cesspools and the injured condition of the soil, the health of the community has been greatly injured and much sickness caused thereby; and, whereas, a conservative assessment upon the acreage to be benefited would make a fund sufficient, if wisely and judiciously expended, to lower the channel and bed of said stream, by excavation, the widening and changing the bed of the creek, and removing the obstruction, giving said creek a better fall and outlet for the water, would thereby greatly remedy and improve the condition of the land, dry Preamble.

and reclaim the wet and overflowed lands, making same productive to cultivation, increasing its value, and more especially improve the sanitary condition and health of the public and community in general; and, whereas, it is impracticable to do this much needed work without legislative aid, whereby there can be concentrated effort equally and mutually beneficial to all the owners; therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

Commissioners named.

SECTION 1. That a commission of three men, to wit: J. A. Anthony, E. B. Killian and C. P. Anthony, and their successors in office, be and they are hereby constituted and appointed a commission for the purpose of carrying out the work suggested in the preamble of this act, to be known as "Pott's Creek Drainage Commission," and in that name they shall be a corporation with power to have a corporate seal, sue and be sued, contract and be contracted with, and generally to do whatever may be necessary to be done in order to make effectual the drainage of Pott's Creek and its tributaries, in the counties of Lincoln and Catawba, in the State of North Carolina, between the mouth of Pott's Creek, in the county of Lincoln, and what is commonly known and called the John Fulbright mill place, in Catawba County, State of North Carolina, which said power and authority shall embrace the right to purchase all necessary machinery, dredging machine, tools, appliances and other material to carry out said work, or to rent, lease or hire same, and to issue the note, obligation or bond of said corporation or commission in an amount not exceeding ten thousand dollars, payable in amounts to be fixed by said commission and at intervals not exceeding ten years, to be fixed by said corporation or commission, and said commission or corporation shall be possessed of all such powers as are usually granted and pertain to corporations.

Name.  
Corporation.  
Corporate rights.

Machinery, tools and material.

Power to borrow money.  
Amount.

Organization.

SEC. 2. Said commission or corporation shall meet and organize as soon as possible, and at the first meeting shall elect one of their number chairman, another vice-president and another secretary, and may elect an outsider treasurer, or may consolidate the offices of secretary and treasurer, and in that event elect one of their number secretary and treasurer, and shall direct the secretary to procure necessary books upon which to keep a perfect record of all dealings and transactions of said commission or corporation, and shall have the authority and right at any time to employ a superintendent or overseer and hands to do said work and fix their compensation and date of payment and to execute the obligation or note of said corporation, and shall also have the authority, in the discretion of said commission, to contract for the whole of said work or any part of same, and to enter into contract for letting of same and the payment of said work, and to employ counsel.

Superintendent and hands.

Work may be let to contract.

Estimate of lands.

SEC. 3. The said commission shall make a just estimate of all

lands along Pott's Creek and its tributaries, both in Lincoln and Catawba counties, and within the terminal points mentioned and designated in section one of this act, that will in their judgment be benefited, either generally or specifically, by the work proposed and contemplated to be done, and make a list of the owners of said lands with the estimated number of acres to be benefited by each owner; and in making said estimate, the said commission is authorized to take into consideration and estimate all lands lying within one-half mile of the center of Pott's Creek, the measurement to be air line and at right angles to center of said creek upon either and both sides of said creek, and upon tributaries of Pott's Creek, extending up said tributaries from points where same empties into Pott's Creek for a distance of one and a half miles, and all lands upon said tributaries and within one-fourth mile of the center of said tributaries measured at right angles and air line from center of said tributary streams on either and both sides of same, shall be measured and estimated, and said commission shall make a just estimate of all lands on Pott's Creek and its tributaries, within the radius prescribed and limits herein defined, as in their judgment will be benefited, either generally or specifically, and both, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by same, and assess said landowner or owners a larger amount in accordance with the special benefits. Said commission is further authorized to employ a competent engineer to do such surveying as is necessary and desired by said commission and as may be required by this act. That the boundary as herein described and designated be and the same is established as a drainage district.

SEC. 4. It shall be the further duty of said commission to view and personally examine the land embraced within the radius mentioned in paragraph three and classify it with reference to the benefit it will receive from the canaling and improvement and work contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and the fertility of the soil, which shall be considered in determining the amount of benefits it will receive by the contemplated work and improvements. The land benefited shall be separated into five classes; the land receiving the highest benefit shall be marked "Class A," that receiving the next highest benefit "Class B," that receiving the next highest benefit "Class C," that receiving the next highest benefit "Class D," and that receiving the smallest benefit "Class E." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need

List of owners.

Territory.

Employment of engineer.

Drainage district.

Examination of land.

Classification of land.

not be marked on the ground or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be estimated, as nearly as practicable, and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commissioners or found by them shall be in the ratio of five, four, three, two and one; that is to say, as often as five mills per acre is assessed against the lands in "Class A," four mills per acre be assessed against lands in "Class B," three mills per acre be assessed against lands in "Class C," two mills per acre in "Class D," and one mill per acre in "Class E." This shall be the basis of the assessment of benefits to the lands. That after said commission has assessed the benefits to the lands, they shall give notice at the court-house door in Newton, Catawba County, and by placing notices at five points along the line of Pott's Creek in Lincoln County and at five points along Pott's Creek in Catawba County, appointing a day and time on which said board of commissioners will meet at the court-house in Lincolnton, Lincoln County, and at which day and time said commissioners will meet at the court-house door in Newton, Catawba County, to hear any and all complaints of the landowners of the assessments made against said lands, which said notice shall give ten days time or notice of said meetings, at which time the said commissioners, at the day fixed to meet at the court-house in Lincolnton, Lincoln County, will sit as a body to hear and determine all complaints that may be filed with them, as to all lands assessed lying and being in Lincoln County, and shall have the right to hear any and all evidence introduced and offered in said matter and determine the proper assessment against said complainants and fix the assessment against all the lands in Lincoln County within the radius mentioned and set forth in section three of this act; and at the time and day fixed by said notices of the meeting of the commissioners at the court-house in Newton, Catawba County, said commissioners will meet at the court-house in Newton, Catawba County, and sit as a body to hear and determine all complaints that may be filed with them, as to all lands assessed lying and being in Catawba County, and shall have the right to hear any and all evidence introduced and offered in said matter and determine the proper assessment against said complainants and fix the assessment against all the lands in Catawba County within the radius mentioned and set forth in section three of this act, lying and being in Catawba County; and said commission shall have the power and right, while sitting in either Lincoln or Catawba County, at said meetings, to issue subpoena for witnesses and hear their evidence and punish for contempt of their proceedings or court

Rates of assessment.

Notice of meeting for review of assessments.

Meeting in Lincoln County.

In Catawba County.

Power of commission.

while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said commission or court, held in either Lincoln or Catawba counties, shall have the right of appeal, at said time or within ten days thereafter, to the superior court of the county in which said hearing and proceeding may be conducted, said appeal being taken and prosecuted as now provided by law for appeals in all civil cases and actions, the party appealing being required to give bond in the sum of two hundred dollars to pay all costs and assessments adjudged and awarded against him or them upon said appeal. Said appeal shall have priority in point of trial upon appeal to the superior court and shall stand for trial at the next term of said court by reason of its public nature.

Right of appeal.

Bond on appeal.

SEC. 5. After the classification of the land and the ratio of the assessments of the different classes to be made thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the land ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the boards shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited.

Assessment roll.

This amount shall be assessed against the several tracts of land according to the benefits received, as shown by the classifications and ratio of assessment made by the commission. This drainage roll showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof shall be made in duplicate, signed by the chairman and secretary and one copy filed with the secretary as part of the records of his office and the other delivered to the sheriff or other county tax collector of the counties of Lincoln and Catawba.

Assessment according to ratio.

Drainage rolls in duplicate.

The said commission shall make two separate rolls and two separate copies, one set of which shall include and embrace all the lands within Lincoln County and the other set shall include and embrace all the lands within Catawba County, which said rolls shall show the names of the owners of lands, the roll for Lincoln County, embracing all landowners along said creek and within the terminal points designated and within Lincoln County, and the other roll shall include and embrace all landowners along the said creek in Catawba County, said rolls shall also give the number of acres of land upon which assessment has been made and the amount due by the said landowner and there shall be appended an order upon the list and assessment roll of Lincoln County landowners, as well as upon the roll and assessment of Catawba landowners, an order to collect the said assessments and amounts so certified, and same shall have the force and effect of a judgment, as in the case

Rolls for each county.

Orders for collection.

Force and effect of orders.	of State and county taxes, and shall be collected by the sheriff or other tax collector of the respective counties of Lincoln and Catawba in the same manner, with the same power, same responsibilities and settled in the same manner as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment roll being delivered to the sheriff or other tax collector of the said respective counties for collection. After the said commission has assessed the several tracts of land according to the benefits received, as shown by the classifications and ratio of assessments as made by the said commission, it shall have the right to levy an assessment upon said benefits in
Annual levy. Limit of amount.	an amount annually not exceeding five dollars per acre, until the whole thereof is paid or said contemplated improvements completed, or if the total cost of the work is less than five dollars per acre on all the lands in the district, the assessment made against the
Collections.	several tracts can be collected in one installment in the discretion of the commission, or in two or three installments, by the officers as herein directed in the same manner as State and county taxes are collected and payable. In case the total assessment exceeds the average of five dollars per acre, or even one dollar per acre, or fifty cents per acre, the said Pott's Creek Drainage Commission may
Notice of proposed issue.	give notice of three weeks by publication in some newspaper in Lincoln and Catawba counties, North Carolina, and by posting written notices at the court-house door in said counties, and five conspicuous places in said drainage district that they propose to issue
Issue of bonds authorized. Amount.	bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, and the time when payable, not exceeding in an amount ten thousand dollars, nor exceeding the amount of assessed benefit for said work and improvements contemplated, which said issue of bonds shall be for
Maturity and interest.	a period from date of same not more than ten years, bearing six per centum per annum interest.
Payment in full by landowners.	Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the treasurer the full amount of his assessments and have his land released therefrom. Neglect to pay the same to the treasurer within said time shall be deemed
Consent to bond issue.	as consenting to the issuing of said bonds, and in consideration of the right to pay his assessments he thereby waives his right to any defense, against collection of said assessment because of any irregularity, illegality, or defect prior to that time, except in case of an appeal, as hereinbefore provided, which is not affected by this waiver. The term "person" as used in this act, includes firm, company or corporation. At the expiration of thirty days after the
Issue of bonds.	publication, the Pott's Creek Drainage Commission may issue bonds, for the full amount of the assessments not paid into the treasury, with the interest thereon, costs of collection or other incidental ex-

penses, the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments of not exceeding ten years, to be fixed by said commission. The said bonds so issued shall have attached thereto coupons representing the interest on said bonds, which coupons shall be due and payable annually, and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of Pott's Creek Drainage Commission and shall be signed by its chairman and attested by the secretary and the official seal of said corporation attached, and said bonds issued shall be for the exclusive use of prosecuting and carrying on the improvements and work contemplated herein, and shall be sold by the commission for not less than par, and shall be numbered by the commission and recorded in a book for that purpose, showing the purchaser and number of each bond and where payable, and shall set out specifically the lands embraced in the district on which the tax has not been paid in full (tax herein meaning assessment upon benefits) and which land is assessed for the payment of the bonds issued and the interest thereon. This assessment shall constitute the first paramount lien second only to State and county taxes, upon the lands assessed for the payment of said bonds and the interest thereon as they become due, and shall be collected in the same manner by the same officers as the State and county taxes are collected. If any installment of principal and interest represented by the said bonds shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bonds upon which default has been made may have the right of action against said commission and corporation of said district, wherein the court may issue a writ of mandamus against the said drainage commission, its officers, including tax collector and treasurer, directing the levying of a tax or special assessment as herein provided, and the collection of same in such sums as may be necessary to meet any unpaid installment of principal and interest and costs of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond or bonds upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the sheriff or other tax collector of said counties, Lincoln and Catawba, shall be liable for the faithful performance of the duties herein assigned to each, and such official bond may be increased by the board of county commissioners in their respective counties, to meet the additional duties and liabilities imposed by this act, unless the existing bonds shall be ample to cover such increased liabilities. That in order to meet

Interest on bonds.  
Bonds payable  
in installments.

Authentication.

Specific appropriation.

Not to be sold  
below par.

Lien of assessment.

Action on bonds.

Writ of mandamus.

Right of action.

Bonds of officers.

said bonds at maturity and pay the interest on same, they are authorized instead of collecting from said lands so assessed for the benefits to be derived by said improvement in one full sum, to assess and collect annually a pro rata part of said assessment or a sufficient sum, and levy upon the benefits to each owner an amount annually to meet said interest and create a sinking fund to pay said bonds at maturity, and as said sinking fund accumulates the said commission are authorized to loan and apply the interest so collected to said sinking fund and continue to do so until said bond issue shall be discharged; and in event said commission desire to pay off said bond issue before maturity, they may assess a sufficient sum and collect, as will pay the interest and one-fifth of said bonds issued annually until fully paid and discharged, and in that event said commission may pay off such bonds as the holders thereof may consent to, or in the event the holder may refuse to surrender said bond at par, with accrued interest, said commission may designate the number of the bond it will pay and publish same in some newspaper published in Lincoln and Catawba counties, and from said date said bond or bonds so designated shall fail to bear interest: *Provided*, the said bonds shall be affected with the conditions of this provision only when said conditions are expressed upon the face of the bonds.

Collections for interest and sinking fund.

Investment of sinking fund.

Payment of bonds.

Proviso: condition expressed on face of bonds.

Collection of assessments.

Compensation of sheriff.

Treasurer's bond.

Commission of treasurer.

Pay of commissioners.

Orders on treasurer.

Obstructions to be removed.

Widening and deepening stream.

Change of channel.

SEC. 6. That the sheriff, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same and to that end shall have power and remedies as he has for the collection of the public taxes, and shall receive for such services the same compensation as in the collection of state and county taxes, and shall pay over the same to the treasurer of said corporation, or commission, and take his receipt therefor.

SEC. 7. That said commission shall have the authority to fix the amount of the treasurer's bond and to take and accept same and file with the records of their board, and shall pay said treasurer out of the funds the sum of not more than two per centum upon amount paid out by him, and nothing upon receipts, and shall allow each member of the commission the sum of two dollars for each and every day actually served, for his compensation for services rendered, to be paid out of said fund. That all orders upon the treasurer shall be signed by the chairman and attested by the secretary.

SEC. 8. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said water course, shall be removed as rapidly as possible, and they shall further cause the bed of said stream to be widened to a width not exceeding thirty feet, and to lower the bed and bottom of said stream not exceeding fifteen feet, and may straighten said stream and change the channel thereof at such points and places as may seem to them to be

for the better flow of the water, and shall have the power to remove or cause to be removed from the banks of said stream all growth or other hindrances as tend to retard the rapid flow of the water of said stream on occasions of high water and shall have the right from time to time, its agents and employees or contractors, to enter upon any lands along said water course and tributaries for the purpose of carrying out the improvement and work contemplated in this act, and shall have, after the completion of same, the right to enter upon said lands at any time for the purpose of performing any work in making repairs and clear of obstruction all growth or matter interfering with the free flow of the water. But in doing this work, they shall give attention first to the widening and lowering and excavating the bed of said stream and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of rock and other hindrances to the rapid flow of the water.

Clearing banks.

Entrance on lands.

First work.

SEC. 9. It shall be the duty and obligation of each of the members of said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or for good cause his office may be declared vacant by the other members, and all vacancies, from whatever source or cause, shall be filled by the remaining members of the said commission or corporation.

Commissioners to qualify.

Resignations and vacancies.

SEC. 10. If it shall be necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said creek for the betterment of the flow of the water and improvement of the objects and purposes of this act, and in either event the same can not be acquired by purchase, then and in that event the power of eminent domain is hereby conferred and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendants in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the proceeds of sale of bonds or from collection of the assessments upon benefits; and every privilege, power and right to carry out the provisions of this act are granted said commission to aid in the further promotion of said work herein contemplated by this act.

Condemnation of land.

Procedure.

Payment of damages.

SEC. 11. The owner of any lands that have been assessed for the costs of the construction and improvements herein directed and allowed by this act shall have the right to use same as an outlet for lateral drains from said lands, and if said lands are separated from

Lateral drains.

the creek by the lands of another, and the owner thereof shall be unable to agree with said other as to the terms and conditions on which he may cross their lands and construct said drain or ditch, he may file petition with said commission herein appointed and constituted a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission appointed.

Superintendent of work.

SEC. 12. That the said Pott's Creek Drainage Commission shall have the power and right at their discretion, to elect or appoint a superintendent of the construction of said work and improvement, and to fix his compensation and bond for the faithful performance of same.

Compensation and bond.

Work may be let to contract.

SEC. 13. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out by contract or by sections, to be laid off by said commission and to contract for the same, or it may do the work or improvement by purchasing a dredging machine or other machinery, and hiring labor under the committee's supervision or that of a superintendent. In event said commission shall decide to let said work to bidders for the whole or by sections or any part of same, the successful bidder shall be required to enter into a contract with the Pott's Creek Drainage Commission and to execute bond for the faithful performance of such contract, with sufficient sureties in favor of Pott's Creek Drainage Commission, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him. If any contractor to whom a portion or all of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Pott's Creek Drainage Commission against such contractor and his bond in the superior court for damage sustained, in either Lincoln or Catawba counties and recovery made against such contractor and his sureties.

Contracts and bonds of contractors.

Action against contractor on bond.

Removal and replacement of bridges.

SEC. 14. That said Pott's Creek Drainage Commission shall have full power and authority to remove any public highway bridge across any of the streams within the radius permitted in this act and fixed as a drainage district, and place same upon the bank of said stream and proceed with its work, and on account of the public nature of said work and the general benefit of the health of the community, the costs of replacing said bridges shall be borne and paid by the county of Lincoln for all bridges in Lincoln County, and by the county of Catawba for all bridges within the county of Catawba, and the county commissioners of the respective counties replaced and paid out of the general county funds, and likewise any and all bridges made necessary by change of channel of said creek and tributaries shall be built and erected by the county commissioners of the respective counties, which said erection of bridges is made necessary for the public good in general, and paid for out of the general funds of said county.

Cost borne by counties.

Cost of new bridges.

SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said Pott's Creek Drainage Commission, and it shall be the duty of said commission to keep said watercourse in good repair and open, and for this purpose may levy an assessment on the lands benefited by the construction of such improvement in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said watercourse in perfect order: *Provided, however*, that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvements are constructed, or by the act or negligence of his agent or employees, or if the same is caused by the cattle or other stock of said owner, employee or agent, then the costs thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the commissions.

Control and supervision of completed work.

Assessments for for maintenance

Proviso: acts caused by negligence.

SEC. 16. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or flood gate in such way as to injure or obstruct the improvements and water flow of said stream under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor, and upon conviction thereof be fined in any sum not exceeding twice the damages or injury done or caused.

Injuries to work misdemeanors.

Punishment.

SEC. 17. That said commission or any of its agents, officers, employees or contractors shall have the right to enter upon the lands adjoining said work at any time for the purpose of said improvement, without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespass.

Entrance on lands.

SEC. 18. That subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, and more especially the health and community in general, until the whole of said work shall be completed and the health of the community benefited and improved.

Work at discretion of commission.

SEC. 19. It shall be a misdemeanor, punishable by fine not to exceed fifty dollars or imprisonment not to exceed thirty days, for any person or persons, firm or corporation to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creek and tributaries and lands, as well as Rhodes Mill Creek and Haas Creek, tributaries of Pott's Creek.

Punishment for obstructing flow of water or interfering with work.

SEC. 20. That it shall be the duty of each and every landowner along Pott's Creek, Rhodes Mill Creek and Haas Creek, within thirty days after notification by the Pott's Creek Drainage Commission, to remove all timber, brush, shrubbery, growing timber and all undergrowth growing and upon their respective lands within fifty feet of the center of said streams on each and both sides thereof,

Landowners to remove obstructions.

Work by commis-  
sion at cost of  
landowner.

and within the terminal points hereinbefore in this act defined applying to Pott's Creek and within the points on Rhodes Mill Creek and Haas Creek as the said excavations are made, and at all times to keep same clean and clear of said obstructions and growth, and any landowner failing to remove and keep clean lands so owned by him, as herein directed and required, after notification by said drainage committee as herein directed, it shall be the duty of the said Pott's Creek Drainage Commission to employ hands and have all said obstructions removed and all timber, brush, shrubbery, undergrowth, or growing timber, from the lands of the said landowners within the radius herein defined and fixed, and the costs thereof recovered in an action by the said Pott's Creek Drainage Commission against the said landowner. It is further provided the same shall be under the entire supervision of the said drainage commission.

Work on tribu-  
taries.

SEC. 21. That said drainage committee, after the completion or during the work upon the main channel of Pott's Creek, are authorized and may excavate Rhodes Mill Creek and Haas Creek, tributaries of Pott's Creek. That in making said excavations upon said tributaries, Rhodes Mill Creek and Haas Creek, said commission may extend said excavations not exceeding one-fourth of a mile along and up or down said tributaries as designated and mentioned. It is further provided that all rights and privileges given and granted in this act, pertaining to the excavations of the main channel of Pott's Creek, shall be applicable and apply to the tributaries, Rhodes Mill Creek and Haas Creek. That in making the estimate of the lands upon Rhodes Creek and Haas Creek, tributaries of Pott's Creek, for assessment of taxation and benefits, general or special and both, the said commission shall estimate along said tributary streams, Rhodes Creek and Haas Creek, all lands within a radius of one-fourth of a mile on either and both sides of said tributaries, measuring at right angles from the center of said tributary streams and for a distance of one and a half miles up or down said tributary streams from the point where it empties into Pott's Creek, and shall in estimation of said lands, benefits, etc., be governed in all respects as required by this act, as to the main channel and tributaries of Pott's Creek, and that all the rights, privileges and requirements of section fourteen of this act shall apply to the said Rhodes Mill Creek and Haas Creek, upon which excavations are to be made.

Territory on trib-  
utaries.

SEC. 22. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 23. That this act shall be in force and effect from and after its ratification.

Ratified this 22d day of February, 1911.

CHAPTER 219.

AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS OF ROWAN COUNTY, AND FOR LEVYING A SPECIAL TAX THEREFOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Rowan County be and are hereby authorized to levy annually a specific tax not to exceed thirty-five cents on the one hundred dollars valuation of the property, real and personal, in said county, and not exceeding one dollar and five cents on each poll (the constitutional equation to be always observed), to be expended for building and repairing the public roads in said county, and for all necessary expenses pertaining thereto. Said specific tax shall be levied and collected each and every year, as other taxes are levied and collected.

Specific tax authorized.

Rate.

Constitutional equation.  
Road tax.

SEC. 2. That there may be elected by said board of commissioners at one of their regular meetings a competent superintendent of roads, skilled in the modern method of road building, who shall be paid a reasonable compensation, to be fixed by the board of commissioners; and said superintendent of roads may be removed from office at any time by said board of commissioners when in the opinion of the board there exists good and sufficient cause for such action, and for malfeasance or misconduct in office, and may be removed by them without further notice than may be necessary to give him a hearing, and said board of commissioners shall have power to fill any vacancy in said office of superintendent of roads that may occur, by removal or otherwise.

Superintendent of roads.

Compensation of superintendent.  
Removal for cause.

Vacancy.

SEC. 3. That it shall be the duty of said superintendent of roads to give his entire time to building, directing, maintaining and repairing the highways and public roads of Rowan County; shall have charge of the supervision, maintaining of and building of all public roads and highways in said county, including the supervision of the convict force, which shall be committed to his custody by the board of county commissioners; and the said superintendent shall have direct charge, control and management of maintaining and keeping in good order all macadam roads of said county, either with work by convict forces or by the employment of some one under his direction, to repair and maintain the same, subject to the approval of the board of county commissioners.

Duty of superintendent.

SEC. 4. That said board of commissioners or superintendent, subject to the approval of said board, shall appoint, with power to remove at any time, such guards or other employees as may be needed to take charge of the convict force, said guards and employees to be paid such compensation for services rendered as may be fixed by the board of county commissioners.

Guards and other employees.

Compensation.

Liability for injury to convict.

SEC. 5. No superintendent, guard or other employee of said commissioners shall be held either criminally or civilly liable for any injury inflicted upon any convict in his custody or under his supervision while in good faith and with due care enforcing such discipline as may be necessary to carry out such rules and regulations in the working of convicts upon the highways or public roads as said commissioners may from time to time enact and promulgate.

Permitting escape misdemeanor.

If any superintendent, guard or other employee who may have such persons in his charge shall willfully or negligently permit any prisoner to escape from his custody, such superintendent, guard or employee shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court: *Provided*, that no superintendent, guard or other employee shall be held criminally or civilly liable for inflicting any wound or other injury upon any prisoner who may attempt to escape from his custody or control, if such superintendent, guard or other employee shall have reasonable ground to believe and shall believe it necessary to so wound or otherwise injure such prisoner in order to prevent his actual escape from custody; and any superintendent, guard or other employee from whose custody any convict shall have escaped, or any other officer or private citizen, shall have the right at any time thereafter to rearrest such escaped convict and to use such means as shall actually be necessary to that end; and no person, in arresting or attempting to arrest any escaped convict, shall be held civilly or criminally liable for any wound or other injury which he may inflict upon such convict while attempting to arrest him, if he shall have had reasonable grounds to believe, and did believe, that it was necessary to resort to such means in order to make such arrest.

Punishment  
Proviso: injury to prisoner attempting escape.

Arrest of escaped convict.

Injury inflicted in attempting arrest.

Roads may be let to contract.

SEC. 6. That said board of commissioners, in addition to the building of macadam and other public roads and highways by convict forces, shall have the power to let by contract, at a fair and reasonable price, any part or section of public road or highway in said county to be macadamized which in their opinion is proper and right, and the contract price, when such road is accepted by the board of commissioners, shall be paid out of the road fund of said county.

Prisoners to be worked on roads.

SEC. 7. That all persons confined in the county jail under a final sentence of the court for crimes, or imprisoned 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 for non-payment of costs, all persons who shall be sentenced to the State prison for a term of not more than ten years shall be worked on the public roads of said county, unless otherwise ordered in the judgment of the court, and all such convicts shall be fed, clothed and otherwise cared for at the expense of said road fund: *Provided*, that

in case of serious physical disability, certified by the county physician, persons convicted in any court may be sentenced to the State prison or the county jail.

Proviso: prisoner under physical disability.

SEC. 8. That the said board of county commissioners is hereby authorized to accept convicts from other counties of the State sentenced by superior court judges, whenever in their judgment it is deemed advisable to do so, and the cost of transporting and maintaining such convicts or prisoners shall be paid from said road funds.

Convicts from other counties.

SEC. 9. The superintendent of health of the county shall attend the convicts as though they were confined in the county jail. If the superintendent of health shall be unable to attend the convicts, from any cause, the county commissioners are hereby authorized to contract with a physician to attend such convicts.

Medical attendance on convicts.

SEC. 10. That for the purpose of carrying out the provisions of this act the board of commissioners, said superintendent or supervisors after first consulting the owner or owners, agent or agents of the land from which material for building and repairing roads is gotten, is and are hereby authorized to enter upon any lands near to or adjoining any public road or highway, to take or cause to be taken or carried away any gravel, sand, clay, rock or stone which may be necessary to construct, improve or repair said roads, together with the free ingress and egress from said roads for the transportation of said material.

Entrance on land for material.

SEC. 11. That if any owner of land, or the agent or agents of said owner having in charge lands from which stone, gravel, sand, clay or rock was taken, as aforesaid, shall present an account for the same to the board of county commissioners or to the superintendent, it shall be the duty of said board to pay a just and reasonable price for the same; and any owner, agent or agents shall have the right to appeal from said board to the superior court to determine the value of such timber, stone, sand, clay, rock or gravel; but said board of commissioners or superintendent or supervisors, shall not be prevented from entering upon any lands, as aforesaid, and using material as aforesaid at any time desired, whether the claim of the owner is made prior to or after the entry upon said land for said material.

Accounts for material.

Appeals as to value.

SEC. 12. The board of county commissioners shall have the power and authority to locate, relocate, widen or otherwise change any public road or highway, or parts of the same, of the county, or lay out and establish any new public road, when in their judgment such location, relocation, widening or other change or the opening of a new public road is deemed necessary and advantageous to the public travel; and said board of commissioners shall have the further right to abandon and discontinue any public road or highway if the same is unnecessary and not advantageous to public travel; but

Power to locate and change roads.

Discontinuance of roads.

- the said board of commissioners, before locating, relocating, widening or changing any public road or establishing a new public road, shall cause a survey of the same to be made by some competent engineer, and said board of commissioners shall further find that said changes, locations, relocations and the opening of a new road are necessary and advantageous to public travel, or, if said commissioners desire the discontinuance or abandonment of a public road, they shall state that said public road is unnecessary and not advantageous to public travel. The said board of commissioners shall give to the landowners on or over whose lands any changes, location or relocation of any public road, or the establishment of any new public road is to be made, or the discontinuing and abandonment of any public road, at least ten days' notice, in writing, signed by the chairman or engineer, of the time and place of deciding upon such change; and if any of the landowners on or over whose land the proposed changes are to be made and the new road established, or any road to be abandoned or discontinued, are minors, idiots or lunatics, such notice shall be given to them and their duly appointed guardians, or if no guardian has been appointed, then such notice shall be given to any persons with whom they are living. If any landowner is a nonresident the said notice shall be mailed to him at his last place of residence or be published for twenty days before the decision by said commissioners. The said commissioners, upon the day of hearing set by them, shall either make an order granting the change, location or relocation of any public road or the opening or establishing of any new public road, which order, when so made, shall be a condemnation of the land or lands mentioned over which said roads may run, or such part thereof as shall be fully set out in the order; and if the order be for discontinuing and abandoning the public road, said order shall describe the same, ordering the discontinuance and abandonment. Any person owning land on or over which said changes are made or said public road is discontinued or abandoned shall have the right to appeal to the superior court of Rowan County for a trial *de novo* upon the order of said commissioners, but he shall give a good and sufficient bond for the cost, as in like cases of appeal; but the taking of said appeal shall not delay the changing, locating or relocating of any public road or the discontinuing or abandoning of any public road according to the terms of the order made therein by said board of commissioners, and said appeal shall only establish the quantum of damages which may exist because of the acts of the board of commissioners as contemplated in this section.
- SEC. 13. Any person who shall obstruct the county engineer or superintendent in making a survey, in changing any road, or the opening of a new public road or highway, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or im-
- Surveys.
- Notice to land-owners.
- Order of commis-sioners.
- Right of appeal.
- Bond on appeal.  
Appeal not to delay work.
- Obstruction of surveyors a mis-demeanor.

prisoned, or both, in the discretion of the court; and any person or persons who shall obstruct any one authorized by this section to open or change any public road or highway shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor to prosecute all offenses against the provisions of this act; and if, after changing, locating or relocating any public road or highway, any person be aggrieved, and he and the board of county commissioners can not agree and fix the amount of damages for the locating or relocating of such public road or highway, or opening or establishing any new public road, he may, within six months of said change, location or relocation of said public road, apply to the clerk of the superior court, who shall appoint a jury, to consist of three freeholders, to assess the damages; and the said jury, in determining said damages, shall take into consideration the benefits accruing to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict; and the said damages, if allowed, shall be paid out of the general fund of the county; and if the jury award no more damages than the amount offered by the board of commissioners, then the party aggrieved shall pay all costs for making the said assessment of damages: *Provided*, that the board of commissioners or persons so aggrieved shall have the right to appeal to the superior court, after giving good and sufficient security for costs.

Punishment.  
Obstruction to opening or change of road a misdemeanor.  
Punishment.  
Solicitor to prosecute.  
Proceeding for assessment of damages.

Costs.  
Proviso: right of appeal.

SEC. 14. That it shall be unlawful for any person to use, cut or make any ditch or drain, or to so cultivate his land as to turn water into any macadamized public road or highway in Rowan County, except when there is a culvert or pipe or other drain under said road or highway; and any person violating any provision of this act shall upon conviction be fined or imprisoned, or both, in the discretion of the court.

Unlawful turning of water on road.

Punishment.

SEC. 15. That it shall be unlawful for any person or persons to ride or drive any beast, buggy, carriage, cart, wagon, bicycle, automobile or other vehicle of any kind on any public road or highway in Rowan County where any work is being done for the preparation or macadamizing the same, or which has been macadamized, until the superintendent or supervisor has caused the said public road or highway to be opened for public travel: *Provided*, that when no way has been provided around said public road or highway, then and in that case the public shall have the right to pass back and forth along by the side of the macadam part of said road or the part intended to be macadamized, but not upon the macadamized part. Any person violating this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Travel forbidden pending work.

Proviso: right of passage.

Misdemeanor.  
Punishment.

SEC. 16. That all railroads or other incorporated companies shall keep up, at their own expense, upon a specification furnished by

Bridges and crossings to be kept up by railroads.

- the superintendent or any township supervisor to such railroad or other incorporated company, all bridges on and over the public roads, and not public, but used as "neighborhood roads," and all crossings which they have severally made it necessary to be built or made in establishing their respective roads, and on the failure to do so shall be guilty of a misdemeanor and fined at the discretion of the court, and shall forfeit and pay ten dollars for each ten days such railroad or other incorporated company shall fail to perform the duties imposed by this section, and any written notice left with any agent of such railroad or other corporation by said board of commissioners shall be deemed a sufficient notice in law.
- Failure a misdemeanor.**  
**Punishment.**
- Service of notice.**
- Apportionment of roads by townships**
- Width of roads.**
- Inducement to wide-tired wagons.**
- Maintenance of macadam roads.**
- Failure of duty by supervisor misdemeanor.**  
**Punishment.**
- Road duty.**
- Day's work.**
- Proviso: warning.**
- Proviso: emergency work.**
- SEC. 17. That in case any public road shall be the dividing line between two or more townships it shall be the duty of the township supervisors of the township so divided to apportion the said road between the different townships in a just and equitable manner. All public roads and highways shall not be less than twenty-two feet wide and not more than thirty feet wide.
- SEC. 18. The said board of commissioners shall have the right to make such inducements for the use of wide-tired wagons upon the public roads or highways of said county by offering a payment of so much per wheel as may seem just for the use of same by any one, or allowing a certain discount in the road tax, to be fixed by the board of county commissioners.
- SEC. 19. It shall be the duty of the supervisors of public roads and highways in Rowan County, in the townships where macadam roads have been built or are being built, or are hereafter to be built, to keep the same banked with dirt on each side of the macadam thereof, and to keep the ditches on each side thereof open and clear of any and all obstructions, and any failure upon the part of any supervisor in the performance of this duty shall constitute a misdemeanor, and upon conviction thereof he shall be fined or imprisoned, or both, in the discretion of the court.
- SEC. 20. 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 April of each year to the county treasurer, supervisor or road superintendent, such sum as may be fixed by the board of commissioners, said sum not to exceed two dollars and fifty cents, and it shall be the duty of said treasurer, supervisor 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 or supervisor as provided for in this act shall within thirty 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 or supervisor fails to turn over to the county treasurer money so collected within thirty 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.

Proviso: commutation.

Money to be paid over.

Failure a misdemeanor.  
Proviso: hands to work in district of residence.

Boundaries of road districts.

SEC. 21. That any person who shall, after being duly notified, fail to appear and work as required to do (after having failed to pay the sum as fixed by the board of commissioners, not to exceed two dollars and fifty cents) 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.

Failure to appear and work a misdemeanor.

Punishment.

SEC. 22. 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 or county commissioners 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 or county commissioners shall be able to supply the necessary implements and tools, he or they may and are 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.

Implements and tools.

Proviso: implements furnished by road hands.

SEC. 23. That on the first day of April, one thousand nine hundred and eleven, and on the first day of April of each succeeding

List of road hands.

year, or oftener if required to do so by said superintendent of roads, or the county commissioners, the township supervisor of roads in each township of the county shall furnish 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 and fifty cents as provided in this act, and shall within fifteen days and as often thereafter as may be necessary furnish to the county road superintendent or supervisor 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 who fail to pay as provided in 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. 24. When in any township in Rowan County a petition is presented to the board of county commissioners, signed by a majority of the landowners of 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 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.

SEC. 25. That the said board of commissioners may adopt any method, plan or system for sustaining and keeping in repair said public roads, not inconsistent with the provisions of this act, as may be deemed in the judgment of said commissioners best adapted for their county, and may use said road fund and labor provided for in this act under such rules and regulations as they may prescribe.

SEC. 26. That any person who may be appointed by the board of commissioners of said county to aid in carrying out the provisions of this act, and who shall refuse to perform the duties assigned him,

Revisal of list.

List of delinquents.

Warrants for delinquents.  
Proviso: prosecution by individuals.

Petition for township special tax.

Township elections for special tax.

County commissioners to levy tax.

Specific appropriation.

Plans and system of road work.

- shall be guilty of a misdemeanor, and upon conviction thereof fined not exceeding ten dollars or imprisoned not exceeding ten days.
- SEC. 27. That the board of commissioners may, in their discretion, purchase any of the improved road machines and such other implements and tools as may be deemed necessary or useful in constructing and keeping in repair said public roads.
- SEC. 28. That the board of commissioners shall have discretionary power to make an appropriation out of said road fund or out of the general county fund for putting in repair any place in any public road requiring more than an ordinary expenditure of money or labor by the road hands.
- SEC. 29. If in the opinion of the board of commissioners of said county it shall not be to the interest of their county to elect, appoint or continue a county superintendent of roads, then they shall not be required to do so, but may in their discretion provide otherwise for the performance of the duties hereinbefore prescribed for him.
- SEC. 30. That the board of commissioners are authorized and empowered to appoint one or more persons in each township as supervisor of roads, who shall perform the duties required by this act, and such duties as may be prescribed by said board, or as may be required by law or by the road superintendent. They shall receive such compensation as the board shall provide, and shall hold their positions only at the pleasure of said board of county commissioners.
- SEC. 31. That the owners and operatives of any traction engine or road steamer shall, when running the same on any public road in Rowan County, carry with them at least two oak planks, at least two by twelve inches in size, not less than twelve feet long, and when running the traction engine or road steamer over any bridge or culvert shall place and use said planks so as to protect such bridge or culvert and prevent any injury or damage thereto; and the owners or operatives of any such traction engine or road steamer operating the same over the public roads of Rowan County, shall leave any and all bridges, culverts and roads over which they run the same, in as good condition as they were before they crossed or ran upon them. 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 not exceeding fifty dollars, or imprisoned not exceeding thirty days.
- SEC. 32. That this act shall be in force and effect from and after its ratification.
- Ratified this the 22d day of February, 1911.

Refusal to perform duties misdemeanor.  
Punishment.

Machinery, implements and tools.

Appropriations for extraordinary work.

Election of superintendent optional.

Township supervisors of roads.

Compensation.

Traction engines and road steamers.

Violation of act a misdemeanor.

Punishment.

## CHAPTER 220.

## AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT FOR THE COUNTY OF ANSON AND TO PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

Special court created.

SECTION 1. That a special court for the trial of petty misdemeanors committed in the county of Anson, and to be designated as a "Recorder's Court of Anson County," is hereby created and established.

Designation.

Court of record.  
Recorder.

SEC. 2. That said court shall be a court of record and shall be presided over by a recorder, who shall be a qualified voter of Anson County.

Election of recorder.

SEC. 3. That said recorder shall be elected by the qualified voters of Anson County at the same time and in the same manner as other county officers, and the term of office of the said recorder shall be the same as that of sheriff and register of deeds of Anson County. Until the next election for county officers is held Walter E. Brock is hereby appointed recorder of said court, and said recorder shall before entering upon the duties of said office take the prescribed oath required of judges of the superior court, and the said oath shall be recorded by the clerk of the superior court of Anson County. Said recorder shall be paid fifty dollars per month, payable monthly by the treasurer of Anson County.

Term of office.

Recorder named.

Recorder to qualify.

Salary.

Vacancy.

SEC. 4. In case a vacancy should occur in the office of recorder by death or resignation, the board of commissioners of Anson County shall elect some one to fill the unexpired term.

Sessions of court.

Proviso: trial of persons under arrest.

SEC. 5. The said court shall meet on Tuesday morning of each week at ten o'clock at the county seat and shall continue in session daily until the business before it shall be disposed of: *Provided*, that the said recorder shall hold court as soon as possible after the arrest of a defendant if the prosecutor and defendant shall both demand same. The court shall hold its sessions in the court-house of Anson County except during the sessions of the superior court, during which time the said court shall meet in some suitable place which shall be provided for by the commissioners of Anson County. The first session of said court shall be held on the second Tuesday after the ratification of this act. The Secretary of State is directed, upon ratification of this act, to forward a certified copy thereof to the clerk of superior court of Anson County, who shall notify the commissioners of Anson County, the treasurer of Anson County, and the recorder, who is appointed by this act.

Place of sessions.

First session.

Copy of act to be forwarded.

Seal of court.

SEC. 6. Said court shall have a seal with the impression "Recorder's Court of Anson County," which shall be used in attestation of all writs, warrants or other processes, acts or judgments of the

said court whenever required, and in the same manner and in the same effect as the seal of other courts of record in the State of North Carolina.

SEC. 7. The clerk of superior court of Anson County shall be *ex-officio* the clerk of the recorder's court and shall receive a salary for such services of twenty-five dollars per month, to be paid monthly by the treasurer of Anson County. Clerk of court.  
Salary of clerk.

SEC. 8. The jurisdiction of the said court shall be as follows: Jurisdiction.

(a) To hear and determine all appeals from magistrates, in all cases in which the defendant may crave an appeal to said court instead of to the superior court, or justices of the peace in cases where they now have jurisdiction in final disposition of cases. Appeals from magistrates.

(b) Said court, in addition to the jurisdiction conferred in section (a) of this section, shall have final, exclusive and original jurisdiction of the following criminal offenses, to wit: carrying concealed weapons, gaming, gambling, keeping gambling tables and houses, keeping bawdy houses, and disorderly houses, larceny, receiving of stolen goods knowing them to be stolen, where the property stolen does not exceed twenty dollars in value, for failure to list taxes, assault and battery with a deadly weapon, or when serious damage is done, fornication and adultery, failure to provide adequate support, abandonment, cruelty to animals, malicious injury to real or personal property, trespassing on land after being forbidden, forcible trespass, enticing servants to leave masters, selling spirituous, vinous or malt liquors, selling or giving away spirituous liquors to a minor, selling or giving away cigarettes to a minor, obtaining advances under false pretense, for disposing of mortgaged property, maintaining nuisances, all crimes against public health as contained in The Revisal of one thousand nine hundred and five from three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive, and above the jurisdiction of justices of the peace, all misdemeanors as contained in chapter eighty-one of The Revisal of one thousand nine hundred and five, or any acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars or imprisonment for two years, and which are above the jurisdiction of justices of the peace, and all crimes which at common law or by statute are misdemeanors wherein the punishment is in the discretion of the court, and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment thereof shall be as now prescribed by law. Further criminal jurisdiction.

(c) Said recorder shall have all the powers and jurisdiction and authority now conferred by law upon the superior court of Anson County to sentence any person convicted in said court of a misdemeanor for which the punishment prescribed by law is imprisonment to be worked on the public roads as now provided by law, and the clerk of the said court shall issue commitments thereof in the same manner as now provided by law for the clerk of the superior court. Sentence to road work.  
Commitments.

Appeals.

(d) Any person convicted in said court shall have the right of appealing to the superior court of Anson County and upon such appeal the trial in the superior court shall be *de novo*.

Offenses heretofore committed.

(e) The said recorder's court shall have jurisdiction of any and all criminal offenses hereinbefore in this section enumerated, which shall be committed before the ratification of this act of which no court has taken jurisdiction.

Jury trials.

SEC. 9. In all cases coming before the said court a jury may be demanded by either the State or the defendant, or the court may of its own motion order a jury trial in any case where in the judgment of the court the ends of justice would be better met by submitting the cause to a jury. The board of commissioners of Anson County are hereby required to furnish the clerk with a list of jurors of the said county of Anson and in any case where a jury trial is to be had, a jury of six shall be drawn from the said list of jurors furnished by the said board of county commissioners. The names of the jurors shall be drawn from a box as is now provided in cases in the superior court. The fees of jurors in said court shall be one dollar per day and mileage, the same as is allowed in the superior court. Said fees and mileage to be taxed in the bill of costs, and in all cases where there is no conviction the county shall be liable for the cost to said jurors. Same cause of challenge of jurors shall be as allowed in superior court.

Jury list.

Drawing jurors.

Fees of jurors.

Challenges

Warrants.

Proviso: return day.

Bonds for appearance.

Costs to officers.

Proviso: subpoenas.

Fees.

Defendant taxed with costs.

Proviso: recorder's fee.

Costs paid over to county.

SEC. 10. All warrants for crimes enumerated in the foregoing section shall be issued by the clerk of the superior court, or by any justice of the peace of Anson County, and shall be made returnable before the recorder on the Tuesday following the issuing of the same: *Provided*, the said warrant is issued not later than Friday previous, and in case the said warrant is issued after Friday, the same shall be returnable to the second Tuesday following the issuing of the same, and the said clerk and justice of the peace shall have the power and authority to fix the amount of, and to take bond for the appearance of the defendant before the said court. The cost for issuing and serving warrants, subpoenas and other processes of law shall be payable to the officers issuing or serving them, and shall be payable by the clerk of the superior court as is now done in cases determined by the superior court of Anson County: *Provided*, that all subpoenas for witnesses in said court shall be issued by the clerk of the said court and the cost and the fees for issuing the same, when collected, paid over to the treasurer of Anson County. The same fee shall be charged as is now charged in the superior court in similar cases, and every defendant convicted, adjudged guilty, or who pleads guilty in said court, shall be taxed with the cost of the prosecution as now prescribed by law: *Provided*, that the recorder shall be entitled to one dollar for trial and judgment, and all such costs recovered or collected for said court, except costs due to the sheriff, constable, police officers, or specially deputized officers, shall

be paid on the first of each month by the clerk of said court to the treasurer of said county and the clerk of the said court shall file with the commissioners of Anson County, on the first of the month for each month, an itemized statement of all costs and fines collected by him and paid to the treasurer of the county for the month preceding.

Itemized statement.

SEC. 11. Whenever any person or persons shall be convicted in the recorder's court for any of the offenses mentioned in this act, and the punishment imposed is imprisonment and costs, the said recorder shall sentence the said defendant to imprisonment to the common jail of Anson County to be worked upon the public roads, and the clerk of the superior court shall issue commitments the same as is now provided by law for clerks of the superior court. All fines imposed shall be collected by the clerk and where a defendant is convicted and fails to pay the costs, the court shall pay such costs as is allowed by law, except to the clerk of the superior court, whose fee shall be retained by the county.

Sentences.

Commitments.

Collection of fines.

SEC. 12. The warrants, subpoenas and other processes of law issued in the said recorder's court shall be directed to the sheriff or other lawful officer of Anson County, and service thereof shall be lawfully made when made by the sheriff of said county, or any constable of said county, or by any person specially deputized by the clerk of said court to make such service, and all warrants and subpoenas issued by the clerk of said court when attested by the seal of the said court shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

Process of court.

SEC. 13. The recorder shall preside over said court and direct and determine all actions coming before him, the jurisdiction of which is conferred by this act. In all such cases, there shall be a right to appeal on the part of the defendant to the ensuing term of superior court of Anson County for the trial of criminal cases, and in all such cases of appeal the defendant shall be required to give bond with sufficient security to be fixed by the said county, conditioned for the defendant's appearance at such court, and in default thereof the recorder shall commit the defendant to the common jail of Anson County until said defendant shall give bond or be otherwise discharged according to law.

Recorder to preside.

Right of appeal.

Bond on appeal.

SEC. 14. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court, imposed under the provisions of this act, and said record shall show the name and residence of such offender and the name of the offense, the date of hearing of the trial, the punishment imposed; and he shall provide a permanent docket for recording all the processes issued by said court, which will conform to the docket kept by him as clerk of the superior court, and shall also provide proper files to properly keep a record of all causes which shall be disposed of in the said court, and what disposition has been made of them.

Records to be kept by clerk.

Docket.

Files.

Recorder may practice law.

SEC. 15. Nothing in this act shall prevent the recorder from practicing law in matters in which he is in no way connected by reason of the said office, or in courts in the State in matters which have not been heard or will not be heard by him as recorder.

Prosecuting attorney.

SEC. 16. The board of commissioners of Anson County may, in their discretion, appoint a prosecuting attorney to prosecute all cases before the said recorder, and in such cases the said prosecuting attorney shall be allowed the same fees as are allowed solicitors in the superior court in the prosecution of cases; said fees to be taxed in the cost of the case, and in case the defendant fails to pay the costs, then the said prosecuting attorney shall be paid the amount as is now allowed, for which the county is liable in similar cases.

Fees.

Repealing clause.

SEC. 17. All laws and clauses of laws in conflict with this act are hereby repealed.

When act effective.

SEC. 18. This act shall be in force from and after the fifteenth day of February, one thousand nine hundred and eleven.

Ratified this the 22d day of February, 1911.

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CHAPTER 221.

AN ACT TO AMEND THE ROAD LAW OF SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

Inspector of highways.

SECTION 1. That section "4" of chapter "one hundred and sixty-six," Public Laws of one thousand nine hundred and nine, is hereby repealed.

When act effective.

SEC. 2. That this act shall be in force from and after the first day of June, one thousand nine hundred and eleven.

Ratified this the 23d day of February, 1911.

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CHAPTER 222.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF RANDOLPH TO DISBURSE CERTAIN STOCK LAW FUNDS.

*The General Assembly of North Carolina do enact:*

Surplus stock-law money applied to school fund.

SECTION 1. That the commissioners of the county of Randolph are hereby authorized and empowered, when petitioned by a majority of the qualified voters in any stock law territory in said county, to whose credit there has accrued by the special taxes levied an amount of money over and above that which was necessary to accomplish the purpose for which it was levied, to order the treasurer of the county

to pay out such money to public schools or public roads as the petition shall specify, in such way or ways as will, as near as shall be practicable, enable the inhabitants of said territory to get the full benefit thereof: *Provided*, that notice of such petition shall have been posted in four (4) public places in said territory at least thirty (30) days prior to the presentation of such petition to the board of county commissioners.

Proviso: notice of petition for transfer.

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

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

Ratified this the 23d day of February, 1911.

### CHAPTER 223.

AN ACT TO AMEND CHAPTER FIFTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF DURHAM AND DURHAM TOWNSHIP AND PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter fifty-nine of the Public Laws of one thousand nine hundred and nine, be amended as follows: In line seventeen strike out the words "twelve hundred" and insert in lieu thereof "fifteen hundred."

SEC. 2. That section six of said act be amended as follows: Strike out the words "forty dollars per month" in line six thereof and insert in lieu thereof the words "not to exceed seven hundred and twenty dollars per year, payable in equal monthly sums," and by adding to section six after the last word therein the following: "and there shall be elected a deputy clerk of said court, who shall in the absence of the clerk caused by sickness or otherwise, have all the powers and perform all the duties of the clerk, and who shall possess the same qualifications as the clerk, and who shall be elected in the same manner, for the same term of office and at the same time as the substitute recorder of said court is elected, and shall take and subscribe the same oath as the clerk, and whose compensation shall be two dollars and a half per day for the days in which he performs the duties of clerk to be paid by said clerk out of his salary, and until a deputy clerk of said court is duly elected, as herein provided, John B. Walker, Jr., is hereby appointed deputy clerk of said court."

SEC. 3. That subsection E of section seven of said act be amended by adding thereto the following: "The clerk of said court, and the deputy clerk in the absence of the clerk, is hereby authorized to

Salary of recorder.

Salary of clerk.

Deputy clerk.

Compensation.

Deputy named.

Commitment issued by clerk.

issue commitment to the common jail of the county of Durham all such persons against whom probable cause of guilt of the alleged crime has been found by the recorder.”

Amend section seven by adding thereto the following as subdivision H. I.: “If any such criminal offense shall be committed in the city of Durham and prosecution therefor shall not be begun within six months after the date of the criminal offense, the superior court of Durham County shall, through the grand jury, have concurrent jurisdiction with the recorder’s court.”

Concurrent jurisdiction of superior court.

SEC. 4. That section eight of said act be amended by striking out in lines three and four thereof the following words: “and shall be paid to the officer performing such services” and inserting in lieu thereof the following words: “and shall when collected be paid to the treasurer of the county as other costs collected are paid, and shall be accounted for and disbursed by him as other costs in said act directed.”

Fees paid over to county.

SEC. 5. That until the next general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and twelve, the manner of electing the recorder and the clerk of said court as provided in said act shall be observed, and at the next general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and twelve, and every two years thereafter, the recorder and the clerk of said court shall be elected by the qualified voters of Durham Township, and at said elections the said recorder and clerk shall be voted for on the same ballot and in a separate box from the other officers voted for at such elections, and the ballots, ballot boxes and blanks for the returns of said election shall be prepared and furnished as they are for the election of other township officers in said township. The returns of the votes cast at said elections for the recorder and the clerk of said court shall be made, canvassed and the result of said election declared in the same way and under the same rules as are prescribed for the election of other township officers in said township. The person possessing the qualifications required by section two of said act receiving the highest number of votes for recorder shall be declared duly elected recorder by the canvassing board of said county, and the person receiving the highest number of votes for clerk of said court, shall be declared duly elected clerk of said court by said canvassing board. The term of office of said recorder and said clerk so elected shall begin on the first Monday in December following the said election and continue for two years and until their successors are elected and qualified. Before entering upon the discharge of the duties of the office of recorder or clerk the persons so elected shall take the oath prescribed in said act, and the said clerk shall give the bond therein prescribed. The substitute recorder and the deputy clerk of said court shall be elected at a joint meeting of the board of county com-

Election of recorder and clerk.

Return and canvass of votes.

Declaration of result.

Term of office.

Officers to qualify.

Election of substitute recorder and deputy clerk.

missioners of the county of Durham and the board of aldermen of the city of Durham to be held in the court-house in the said city of Durham on the first Monday of December at twelve e'clock of the day next immediately following the election in November, and the said substitute recorder and deputy clerk shall hold office until their successors are elected and qualified as in said act provided. Term of office.

SEC. 6. That section seventeen of said act in line one thereof be amended by inserting after the word "clerk" the words "or deputy clerk." Removals for cause.

SEC. 7. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 23d day of February, 1911.

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**CHAPTER 224.**

AN ACT TO VALIDATE CERTAIN PROBATES OF J. WALDO WHITAKER, A NOTARY PUBLIC OF HALIFAX COUNTY.

Whereas, J. Waldo Whitaker, an acting notary public, resident at Enfield, in the county of Halifax and State of North Carolina, has, since the fourth day of March, one thousand nine hundred and eight, and while a stockholder in the Bank of Enfield, a corporation duly chartered and organized under the laws of the State of North Carolina, did take the acknowledgment and probate of certain deeds, deeds of trust, mortgages and other instruments in which the said Bank of Enfield was interested; therefore, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all such acknowledgments, examinations and probates so taken by the said J. Waldo Whitaker since the fourth day of March, one thousand nine hundred and eight, be and the same are hereby validated, confirmed, and made legal, binding and regular. Probates validated.

SEC. 2. That this act shall not in any way affect pending actions.

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

Ratified this the 23d day of February, 1911.

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**CHAPTER 225.**

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BUNCOMBE COUNTY TO WORK CONVICTS OUTSIDE THE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Buncombe County shall have the right to work the convict force or forces of said Buncombe County upon any rock quarry or other place, for Work in getting out material.

the purpose of getting out material for the construction of public roads in Buncombe County, whenever the said board of county commissioners have by lease, purchase or otherwise obtained the right to enter upon and operate quarries or other places for getting out material for the building of public roads in any adjoining county, and the rights, powers, authorities and liabilities of the officers, guards and persons in charge of said prisoners shall in all respects be the same, while in said adjoining county, as if they were actually performing said labor in said Buncombe County.

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

SEC. 3. This act shall be in full force and effect on and after its ratification.

Ratified this the 23d day of February, 1911.

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#### CHAPTER 226.

#### AN ACT TO VALIDATE THE OFFICIAL ACTS OF A JUSTICE OF THE PEACE OF WASHINGTON COUNTY.

Preamble.

Whereas, J. F. Tarkenton, a justice of the peace of Washington County, was inadvertently advised that his time of office was for four years hence he continued to perform the duties of his office, having probated several mortgages and deeds and married one couple since his term as justice of the peace expired: Now, therefore,

*The General Assembly of North Carolina do enact:*

Acts validated.

SECTION 1. That said official acts of J. F. Parkenton from the tenth day of December, one thousand nine hundred and ten, to the tenth day of February, one thousand nine hundred and eleven, are hereby declared in all respects valid and legal and are hereby ratified and confirmed.

SEC. 2. This act shall be in force from and after its ratification.  
Ratified this the 23d day of February, 1911.

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#### CHAPTER 227.

#### AN ACT TO ENLARGE THE POWERS OF THE BOARDS OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Right to construct  
bridges over  
navigable waters.  
Approval by War  
Department.

SECTION 1. That the board of county commissioners are hereby authorized and empowered, subject to approval and permission of the War Department, to grant to any person or persons, firm or

corporation owning or occupying lands on both sides of any navigable stream or creek lying wholly within the limits of the county, the right to construct and maintain a bridge across the said navigable water between the lands owned or occupied by them upon such terms and conditions and for such time as the said board shall deem advisable and proper: *Provided*, that before any order allowing the construction of the same shall be made, it shall be made to appear to said board that four weeks notice of the application for said right has been given by posting a notice at the courthouse door and four other public places in the county, and also (if there be a newspaper published in the county) by publishing once a week for four successive weeks in some newspaper in the county: *Provided, further*, that any party aggrieved may appeal from the order of said commissioners to the superior court of the county in term time.

Proviso: notice of application for right.

Proviso: appeals from orders of commissioners.

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

Ratified this the 23d day of February, 1911.

#### CHAPTER 228.

### AN ACT TO PROTECT THE PUBLIC ROADS OF STOKES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, persons, firm or corporation to throw into the public roads of Stokes County any rocks, stumps, brush, sprouts or anything else that would tend to obstruct the public roads, or be liable to damage wagons, automobiles, buggies, bicycles or any other vehicle.

Throwing obstructions into roads forbidden.

SEC. 2. That it shall be unlawful for any person, persons, firm or corporation who shall own or operate a telephone line along the public roads of Stokes County to allow either the wire or post to be and remain in the way of passing wagons, automobiles, buggies, bicycles or any other vehicle for ten hours during daylight. If such person, persons, firm or corporation shall allow said wire or post to remain in the way of passing wagons, automobiles, buggies, bicycles or any other vehicles for a longer time than forty-eight hours shall be guilty of a second offense.

Wires or posts of telephone lines.

Second offense.

SEC. 3. Any person, persons, firm or corporation who shall be guilty of violating either section one or two 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 in the discretion of the court.

Violation of act misdemeanor.

Punishment.

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

Ratified this the 23d day of February, 1911.

## CHAPTER 229.

AN ACT TO AMEND SECTION THREE THOUSAND FOUR HUNDRED AND EIGHTY OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, IN RELATION TO THE SUFFICIENCY OF NOTICE IN CASES OF TRESPASS.

*The General Assembly of North Carolina do enact:*

Proviso: sufficient notice.

SECTION 1. That section three thousand four hundred and eighty of The Revisal of one thousand nine hundred and five be amended by adding at the end of the said section the following: "Provided, that all parties shall be deemed and held to have been forbidden to fish or attempt to catch fish within the meaning of this section when the owner or his agent shall post or cause to be posted a notice at the court-house door of the county in which the land is situated and at four conspicuous places on the premises, stating in substance that all persons are forbidden to fish or attempt to catch fish on the premises described in said notices." *Provided*, that this act shall apply only to the counties of Macon and Cherokee.

Proviso: application of act.

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

Ratified this the 23d day of February, 1911.

## CHAPTER 230.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND EIGHTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, ENTITLED "AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF HYDE COUNTY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and eighty-five (585) of the Public Laws of one thousand nine hundred and five (1905) be and the same is hereby amended as follows:

SEC. 2. Amend section five (5) of said chapter by striking out the words "constructing" in line one (1) and "establishment" in line ten (10) of said section and by adding the following at the end of said section: "But said board of road commissioners shall not have authority to lay out and establish any public or private road, cartway or other thoroughfare, but such duty shall devolve upon the board of county commissioners in such manner as is provided under chapter sixty-five of The Revisal of one thousand nine hundred and five of North Carolina entitled, "Roads, Bridges, Ferries," the cost of which shall be paid by the board of county commissioners out of the general county funds and no part of same shall

Establishment of roads and thoroughfares.

be charged against the public road funds of the townships affected by this act. Said board of county commissioners are hereby empowered to contribute out of the general county funds for the repair and maintenance of the roads and bridges in Swan Quarter and Fairfield townships in such manner as they are authorized and empowered to contribute for the repair and maintenance of the roads and bridges of the other townships of the county.”

Swan Quarter and  
Fairfield townships.

SEC. 3. Amend section eleven (11) of said chapter by striking out the word “eighteen” in line two (2) of said section and insert in lieu thereof the word “twenty-one” and by striking out the words “one dollar, or fifty cents” in line twelve (12) of said section and insert in lieu thereof the words “two dollars, or one dollar,” and by striking out the words “one dollar” in line eighteen (18) of said section and insert in lieu thereof the words “two dollars.”

Commutation.

SEC. 4. Amend section twelve (12) of said chapter by striking out the words “one dollar” in line eight (8) of said section and insert in lieu thereof the words “two dollars.”

Commutation of  
poll tax.

SEC. 5. Amend section twenty-five (25) of said chapter by adding the following at the end of said section: “except the right to lay out and establish public and private roads, cartways and thoroughfares, which shall devolve upon the county commissioners, who shall pay all costs incident to the same out of the general county funds.”

Establishment of  
roads.

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 this the 23d day of February, 1911.

## CHAPTER 231.

AN ACT TO ESTABLISH A DRAINAGE DISTRICT IN TYRRELL COUNTY UNDER CHAPTER FOUR HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, WITHOUT CONFORMING TO ALL THE REQUIREMENTS OF SAID CHAPTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there may be established in Columbia Township, Tyrrell County, a drainage district to be designated as Rider’s Creek District with the powers and incidents of and in the manner set forth in chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, but subject to the provisions of this act.

Establishment of  
district.  
Name of district.

SEC. 2. The clerk of the superior court shall appoint as the board of viewers mentioned in section two of said chapter, a competent civil engineer and two disinterested freeholders of his own selection

Appointment of  
board of viewers.

- Drainage commis- and fix the compensation of said engineer. He shall also appoint sioners. the drainage commissioners provided for by section nineteen of said chapter, and said board of viewers and drainage commissioners may
- Pay of viewers. be chosen from the residents of said drainage district. The viewers (other than the engineer) the rodmen, axmen, chairman, and other laborers shall receive not to exceed two dollars per day for their services while actually engaged in laying out and establishing said district, and they and the engineer shall be paid by the petitioners, said sum or sums so paid to be refunded when the drainage fund is subsequently provided for by the sale of bonds or otherwise, and the State Geological and Economic Survey shall pay none of the cost thereof whatever. The bond of the superintendent of construction shall be one hundred dollars and said superintendent and the drainage commissioners shall receive not to exceed one dollar and fifty cents per day while actually engaged in the performance of their respective duties, to be paid out of the drainage fund when provided.
- Bond of superin- SEC. 3. That so much of section thirty of said chapter as follows tendent of con- the word "law" in line eleven thereof, shall not apply to said drain- struction. age district. If bonds be issued the first installment of the prin- ciple shall mature at the expiration of one year from the date of issue.
- Pay of superin- SEC. 4. This act shall only apply to a drainage district to be des- tendent and igned as Rider's Creek District now being formed in Columbia drainage and drainage Township, Tyrrell County, and to such part of said township as may commissioners. be included in said drainage district, and the provisions of this act, when different from the provisions of said chapter four hundred and forty-two, shall have precedence over said chapter.
- Ditches. SEC. 5. This act shall be in effect from and after its ratification.
- Maturity of bonds. Ratified this the 23d day of February, 1911.
- Application of act.

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CHAPTER 232.

AN ACT FOR THE BENEFIT OF THE PUBLIC ROADS IN PAM-  
LICO COUNTY.

- Preamble. Whereas, there are a number of roads in Pamlico County that cross low, boggy and marsh lands, where the same are now not to exceed sixteen feet in width between causeway ditches, and whereas, it is necessary for the purpose of repairing, rebuilding and raising above tidewater the causeway roads across such low, boggy and marsh lands and for their better maintenance and for the convenience and best interest of the general public, the causeway ditches should be enlarged and sufficiency of land procured from whence to procure dirt to repair, rebuild and raise above tidewater such roads,

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of repairing, rebuilding or raising all causeway roads across the low, boggy or marsh lands in the county of Pamlico, and for the purpose of enlarging the causeway ditches and procuring the necessary earth or dirt, to repair, rebuild or raise such roads above tidewater, it shall be lawful for the board of commissioners to condemn such amount of such low, boggy or marsh land along the said causeway roads, and adjacent thereto, not to exceed twenty feet in width on either side of said causeway roads, and may determine and designate the width and depth of such causeway ditches as may be necessary for the purposes of this act.

Purpose of condemnation of lands.

Condemnation authorized.

SEC. 2. That the board of county commissioners are hereby authorized and empowered to pay to the owner of such marsh and boggy lands, such sum per acre for all such lands taken for road purposes under this act, as they may deem in their judgment a proper compensation for the same.

Payment for land.

SEC. 3. That the process for condemning of lands under this act shall be as follows: The board of county commissioners shall serve or have served upon the owners of the land sought to be condemned, a notice requiring them to appear before them at their next regular meeting or some subsequent meeting and show cause why the lands described in said notice should not be condemned for the said road purposes; upon the appearance or hearing of the said notice, the board of county commissioners may order the same condemned upon such terms as they may think best, and order the same recorded upon their records.

Process for condemnation.

SEC. 4. That in the taking or condemning of said lands the board of county commissioners shall not condemn any cultivated land or lands in any cultivated enclosure, or so as to impair the usefulness of any farm drainway.

Limit of power of condemnation.

SEC. 5. This act shall not be construed to repeal any of the road law now in effect in Pamlico County, but shall be construed as a part thereof.

Construction of act.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 23d day of February, 1911.

#### CHAPTER 233.

### AN ACT TO AUTHORIZE 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 are hereby authorized, for the purposes hereinafter named, to levy a special tax for the years one thousand nine hundred and Years.

Special tax authorized.

Amount to be levied.	eleven and one thousand nine hundred and twelve, respectively, at the time for levying the general taxes for said county, which special taxes shall be levied upon taxable property and polls and other subjects of taxation in said county, and may amount to, but shall not exceed, the sum of ten thousand dollars; and that one-half of the same be levied and collected in each of said years, observing the equations prescribed in the constitution.
Purpose of tax.	SEC. 2. That the said special taxes are authorized and are to be levied and collected only for the purposes of paying off the indebtedness for the construction and repairing of county bridges, highways and public buildings of said county, and for making necessary provisions to secure the public health in said county.
	SEC. 3. That this act shall be in force from and after its ratification.
	Ratified this the 23d day of February, 1911.

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#### CHAPTER 234.

### AN ACT TO PROVIDE A BETTER SYSTEM FOR WORKING AND MAINTAINING THE PUBLIC ROADS IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Division of roads and ways.	SECTION 1. That the roads and ways of Swain County, for the purposes of this act, shall be, as hereinafter provided, divided into public roads and cartways, and for the proper construction, improvement and maintenance of the public roads of said county, the board of commissioners thereof shall levy an annual tax as hereinafter provided, and the said board of commissioners shall, on the first Monday in April, one thousand nine hundred and eleven, appoint a board of road trustees for each township in said county, which board shall be composed of three good and lawful men, residents of such townships. The term of office of the first road trustee shall be three years, and second two years, and third for one year, and one successor or one trustee shall be appointed for each of said townships in April, one thousand nine hundred and twelve, by said board of commissioners, and annually thereafter, for the term of three years, and that in event of a vacancy occurring in any of said boards of road trustees, by death, resignation, removal from the township or otherwise, the said commissioners shall appoint his successor to fill the unexpired term. The said trustees are incorporated the board of road trustees of such township, and the same shall be their corporate name.
County commissioners to levy tax.	
Road trustees for each township.	
Terms of office.	
Vacancies.	
Trustees incorporated. Corporate name.	
Meetings of trustees.	SEC. 2. That the road trustees for each of said townships shall meet on the first Saturday in May, one thousand nine hundred and

eleven, and annually thereafter, and organize by electing one of their number chairman and one secretary-treasurer, and the secretary-treasurer so elected shall forthwith report to the commissioners of said county in writing a list of the officers thus elected, which report shall be kept on file in the register's office of said county; that the trustees, for the purpose of performing the duties herein required of them, shall meet quarterly, and oftener if necessary, for the proper transaction of the duties herein imposed, and their secretary-treasurer shall keep a record of all their meetings and proceedings; that the secretary-treasurer of the said road trustees shall enter into a good and sufficient bond, to be approved by the other members of said board of road trustees, payable to the State of North Carolina, in trust for such township in not less than two hundred dollars and in no case less than double the tax levied for road purposes under this act for such township for such year, which bond shall forthwith be returned to and filed in the office of the register of deeds of said county; that said bond shall be conditioned that said secretary-treasurer of said board of road trustees shall faithfully, well and truly perform all duties, acts and things required of him under this act to be done and performed, and he and his sureties upon such bonds shall be liable thereon for any default of the secretary-treasurer to do and perform any duty or duties required of him under this act; that the said road trustees, in their corporate name aforesaid, shall have the right to sue and be sued, plead and be impleaded in any of the courts of this State; that the said road trustees shall be exempt from the number of days labor hereinafter required in this act upon the public roads of their township, and if any member of said board should not be a subject of road duty he shall receive one dollar per day not to exceed six days in each year: *Provided*, the secretary-treasurer shall receive such additional pay as the other members of said board shall consider just and reasonable, subject to the approval of the board of commissioners of said county.

SEC. 3. That it shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least twice in each year, and make a report in duplicate on the condition of said public roads and present one copy of said report to the board of commissioners of said county at their May and October meetings, and in addition thereto the said road trustees shall forthwith file one copy of said report with the clerk of the superior court of said county for the use of the solicitor, with such instructions and recommendations as they may deem proper; that the said road trustees shall have the right, upon petition of the citizens of their township, or without such petition if they shall deem it best for the interest of the traveling public to lay out, alter or discontinue public roads that are wholly within their townships, or when such proposed new road, alteration or discontinuance is wholly

Organization.

Report of organization.

Quarterly meetings.

Record of meetings.

Bond of secretary-treasurer.

Corporate powers.

Trustees exempt from road duty.

Payment of trustees.

Proviso: pay of secretary-treasurer.

Examination of roads.

Report.

Powers of trustees.

Assessment of damages.

within their townships, with as little injury to the lands through which the same passes as may be consistent with the best interest of the traveling public; and the said road trustees, taking into consideration the advantages and disadvantages to the owner of the lands through which the road thus altered or laid out passes, shall assess the damages, if any, caused thereby, and such damages thus assessed shall be deemed a charge against the county, and the said road trustees shall make a certificate of such damages, showing for what allowed, the amount and to whom payable, which certificate shall be forthwith filed with the board of commissioners of said county and, unless it shall appear to said commissioners to be

Appeals to county commissioners.

exorbitant and unjust, shall be allowed by them; that any person or persons aggrieved by the action of the road trustees in laying out, altering or discontinuing any public road, as aforesaid, or the amount of damages allowed for laying out any new road or altering an old road, as aforesaid, may, upon giving a bond, with sufficient justified surety, to be approved by said road trustees in not less than one hundred dollars, and conditioned for the payment of all cost which may be adjudged against him or them by reason of such appeal,

Bond on appeal.

appeal to the board of commissioners of said county: *Provided*, notice of appeal be given to the said road trustees by the party or parties aggrieved within ten days after the act complained of. That the said commissioners shall hear and determine such appeal, and if the same be against appellant, it shall be their duty to enter judgment against the appellant and his surety or sureties for the costs of the appeal, with all the force and effect of a judgment in the superior court, and that such judgment for costs may be enforced in the same manner as a judgment of the superior court: *Provided*,

Proviso: notice of appeal.

that any party or parties aggrieved by the action of the commissioners in such matters may appeal to the superior court of said county in the manner set forth in the next succeeding section.

Hearing on appeal.

SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the county commissioners, and shall be done, subject to and as is now provided in sections two thousand six hundred and eighty-four, two thousand six hundred and ninety and two thousand six hundred and eighty-five of chapter sixty-five, and section one thousand two hundred and sixty-eight, chapter twenty-two of volume one of The Revisal of one thousand nine hundred and five: *Provided*, that posting notice of the petition at the court-house for thirty days and at some public place in each township, through any part of which said road passes for twenty days prior to the hearing of said petition shall be sufficient for the notices required in said section two thousand six hundred and eighty-four: *Provided, further*, that any person or persons desiring to appeal to the superior court from the order of the board of commissioners shall first give bond, with justified and approved

Proviso: appeal to superior court.

Roads in two or more townships.

Proviso: notice of petition.

Proviso: bond on appeal.

SEC. 4. That when it is desired to lay out a new road or alter or discontinue any public road or roads extending into two or more townships, the right to do the same shall be in the county commissioners, and shall be done, subject to and as is now provided in sections two thousand six hundred and eighty-four, two thousand six hundred and ninety and two thousand six hundred and eighty-five of chapter sixty-five, and section one thousand two hundred and sixty-eight, chapter twenty-two of volume one of The Revisal of one thousand nine hundred and five: *Provided*, that posting notice of the petition at the court-house for thirty days and at some public place in each township, through any part of which said road passes for twenty days prior to the hearing of said petition shall be sufficient for the notices required in said section two thousand six hundred and eighty-four: *Provided, further*, that any person or persons desiring to appeal to the superior court from the order of the board of commissioners shall first give bond, with justified and approved

security, in not less than the sum of one hundred dollars, conditioned to pay all such costs as may be adjudged against him or them by reason of such appeal.

SEC. 5. That all roads, when laid out for construction or amendment under the provisions of the preceding section, shall by reason of this act be deemed divided so that the road trustees of each township shall have control of so much thereof as lies wholly within their township, and all public roads laid out or amended under sections three and four of this act shall be constructed as in this act provided for the construction and maintenance of public roads: *Provided*, that no person shall be required to go out of his township to help in working or constructing any road.

SEC. 6. That the road trustees of the several townships of said county, on the first day of May, one thousand nine hundred and eleven or within ten days thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations as they may deem proper and cause a brief description thereof to be made on the township's records, and also to furnish each supervisor with a description of his road district; that the road trustees of each township at the meeting of which they divide their township into road districts, as aforesaid, and annually thereafter, shall elect one supervisor for their township, who shall have charge of the several roads therein, but if in their judgment they shall consider it best suited to the condition in their townships they may elect more than one supervisor and assign to each the districts which he shall have charge of under the provisions of this act; that the road trustees shall cause each supervisor to enter into a bond in not less than the sum of one hundred dollars, executed to the State of North Carolina, in trust for said township, with sufficient surety, to be approved by the road trustees for such township; that the road trustees shall have general power and control over the public roads in their townships, and shall confer with and may direct the supervisor as to the best methods of constructing, maintaining and permanently improving the public roads; and in case of a vacancy in the office of a supervisor, occurring by death, resignation, removal or otherwise, the road trustee shall appoint his successor for the unexpired term and may at any time, when they deem it for the best interest of the public roads of their township, remove any supervisor from office and appoint his successor.

SEC. 7. That each supervisor, before entering upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said office, and shall make and execute bond, with approved surety such as may be required of him as aforesaid by the road trustees and shall at each quarterly meeting of the road trustees, and oftener if directed by them, make a report of the condition of the roads under his charge, the character and extent of the work he has done on the same, the number of persons subject to road

Roads divided.

Proviso: persons not required to work outside of townships.

Division into road districts.

Election of supervisors.

Bond of supervisors.

Power and control of supervisors.

Vacancies.

Removal of supervisors.

Supervisors to qualify and give bond.

Quarterly reports.

duty, as defined in section nine of this act, in each road district under his charge, and the number of days worked by each of said persons; the name of each person who has paid cash in lieu of services and the amount of cash paid by each; the full amount of receipts and the amount and manner of all expenditures during said quarter; the number of days worked by him on the roads of his district, and the number of hands worked each day, and the number of judgments, fines and penalties taken by him under this act, against whom, and the amounts due thereon, if any, and all such other matters as the road trustees may require of him appertaining to his duties or relating to the condition of his roads.

Duties of supervisors.

SEC. 8. That it shall be the duty of each and every supervisor, subject to such directions as the road trustees may deem proper to make as to the manner of doing the same, to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district; the same to keep in repair and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purposes the supervisors are hereby authorized to enter upon any lands not encumbered by crops, near to or adjoining in such roads, to cut and carry away timber, except trees or groves on improved land, planted or kept for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay, marl or stone which may be necessary to make, improve or repair said road, and to enter on any lands adjoining a line near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and improvements thereon and timber as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest watercourse, ditch or drain, and shall be kept open by the supervisor, and shall not be obstructed by the owners or occupier of such lands or any person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisors and paid over by them to the road trustees and applied to the road fund of said township; and if the supervisor shall willfully injure any cultivated or improved lands by failure to conduct said drain and ditches to the nearest waterway, ditch or drain and keep said drains and ditches in repair he shall be guilty of a misdemeanor.

Entrance on lands for material.

Drains or ditches.

Penalty for obstructing drains and ditches.

Willful injury to lands a misdemeanor.

Road duty.

Proviso: commutation.

SEC. 9. That all able-bodied male persons between the age of eighteen and forty-five years, shall be liable annually to do and perform four days labor on the public roads under the direction of a supervisor of the road district in which he resides: *Provided*, that if any person being warned as hereinafter provided, shall pay to the supervisor of his district the sum of one dollar for each day's labor required by this act, the same shall be received in lieu of each day's labor, and shall be applied by the road supervisor receiving the

same to the improvement of the roads in that district: *Provided*, that in any case of heavy rains, floods, washouts or any unusual injury to the roads, the road trustees may require two additional days labor for each person subject to road duty: *Provided, further*, that ten hours shall constitute a day's work under this act.

SEC. 10. That it shall be the duty of every supervisor to order out every such person resident as aforesaid between the first day of March and the first day of December annually, to do and perform the work aforesaid on the public roads within the district; and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode shall refuse and neglect, having had at least two days notice to attend by himself or an able-bodied substitute acceptable to the supervisor, or, having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of two dollars for every such offense, and shall further be liable in all cases of non-attendance to the amount of labor required by the road trustees in such township to be recovered by action before any justice of the peace of the proper township, at the suit of the supervisor within whose district he may reside, and shall also be guilty of a misdemeanor and fined not exceeding five dollars or imprisoned not exceeding five days; and the money so collected shall be applied by said supervisor to the improvement of the roads in his district, and accounted for by him at the annual settlement with the road trustees: *Provided*, that no person shall be released from the performance of the labor on the public roads by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided: *Provided, further*, that if any justice of the peace shall fail to enforce the provisions of this act when offenders of the same shall be brought before him, he shall be guilty of a misdemeanor, and shall be fined or imprisoned, in the discretion of the court.

SEC. 11. That in case any person shall remove from any district to another who has prior to such removal performed the whole or any part of the labor aforesaid or has paid the whole or any part thereof in lieu of such labor, and shall produce a receipt or certificate of the same from the supervisor of the proper district, such receipts or certificate shall be a complete release for the amount therein specified.

SEC. 12. That any person of road age, as defined in this act, who shall be summoned, as hereinbefore provided for to perform any labor upon the public roads under the provisions of this act, shall by himself or by any able-bodied substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon with the necessary tools and implements as the supervisor may direct; and the supervisor may arrange for the use of teams of

*Proviso: emergency work.*

*Supervisor to warn out hands.*

*Forfeit for failure to attend and work.*

*Misdemeanor. Punishment.*

*Proviso: failure of supervisor not to release road hands.*

*Proviso: failure of magistrate to enforce law a misdemeanor.*

*Punishment.*

*Removal from road district.*

*Road hands to furnish tools and implements.*

- Teams and machinery. horses, wagons, carts, plows or scrapers to be employed and used on the road under his direction, upon terms and prices to be approved by the road trustees.
- Residence defined. SEC. 13. That for the purpose provided in the preceding section of this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district in said county.
- Collection of fines, forfeitures and penalties. SEC. 14. That the several supervisors in their respective districts shall collect, by suit or otherwise, all fines, forfeitures and penalties arising or accruing under the provisions of this act unless the question thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the road trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures or penalties can be collected, and the said judgment, if not paid, together with the cost therein, shall remain and be in force against the judgment debtor.
- Moneys to paid over. SEC. 15. That all the moneys that remain in the hands of any supervisor at the time of the annual settlement with the road trustees shall be paid over to his successor in the office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the road trustees. It shall be lawful for any supervisor to sue out executions on any judgment that may remain unpaid within his proper district at any time when in his opinion the same can be collected and the moneys so received and collected shall be expended as provided in the foregoing section.
- Executions on judgments. SEC. 16. That the commissioners of said county are hereby authorized and directed to levy at the June session of their board in the year one thousand nine hundred and eleven and annually thereafter, for public road purposes, not less than ten cents nor more than thirty cents on the one hundred dollars worth of property, and the chairman of the board of county commissioners shall cause the same to be placed on the list for the current year, to be included in and collected in the annual taxes. That the road tax, when thus assessed, shall be collected by the tax collector of said county under the penalty and regulations laid down for the collection of other taxes for said county and paid out as hereinafter provided: *Provided*, the rate of levy may not be the same in each township. That the commissioners of said county are hereby authorized and empowered to levy an additional tax, not to exceed twenty cents on the one hundred dollars worth of property for any year, for the purpose of building bridges across the streams of Swain County, if they are of the opinion the same shall be for the best interests of the county, and erection of such bridges shall be under the control and management of said board of county commissioners, the levying and collecting of such taxes shall be in the same manner as that provided for the levying and collection of the road tax aforesaid.
- Road tax to be levied.
- Rate.
- Collection of tax.
- Proviso: rate may vary.
- Bridge tax.  
Rate.

- SEC. 17. That the road and bridge tax levied under this act shall be made out and kept in a separate item on the tax list and appear in a separate item on the tax receipt, and the tax collector shall pay the amount of road taxes collected in each township to the secretary-treasurer of the board of township trustees of said township, taking from such secretary-treasurer his receipt therefor, which receipt shall be his valid voucher in settlement of such tax collector with the commissioners of said county for the road tax of such township. Separate items in tax list.  
Payment by tax collector.
- SEC. 18. That the money paid into the hands of the secretary-treasurer of the roads trustees under this act shall be expended as the road trustees may direct for the construction, maintenance and improvement of the public roads of their township, in determining the division of the funds shall be governed not by the miles of road in each district, but by the necessities of the roads, the convenience of getting material and quantity of material necessary to make substantial repairs and improvements, and thus make a just and equitable division of the funds to the needs of the road, and said money shall be used so far as practicable in making the most permanent and lasting improvements upon said roads possible. Expenditure of road funds.  
Division of funds.
- SEC. 19. That the secretary-treasurer of the board of road trustees shall disburse the funds coming into his hands under this act only upon order, signed by the chairman, stating the person to whom same is payable, the amount and the purpose for which the same has been or is to be expended, and the said secretary-treasurer shall at any time the same may be required by the board of road trustees, make an itemized report of the amount of receipts and disbursements which he has made. Road orders.  
Itemized reports.
- SEC. 20. That the supervisor shall receive for his services such sum as the board of road trustees shall deem just and right, not to exceed the sum of two dollars per day for the time actually employed on the road, deducting the commutation of the days of labor required in such township: *Provided*, the board of road trustees of any township shall fix the minimum number of hands to be worked each day by the supervisor and for such days as he works a less number he shall not receive any pay: *Provided, further*, that the commissioners of said county shall receive pay for such additional days service as the provisions of this act may necessitate, not to exceed four days in the year. Pay of supervisors.  
Proviso: number of hands.  
Proviso: pay of county commissioners.
- SEC. 21. That any supervisor may contract with any person owing days of labor to go over the road in his district or any part thereof, after heavy rains, and repair the same; and if such contractor finds the damage greater than he can repair, he shall notify the supervisor, who is hereby authorized and directed to order out any person owing days labor without giving the two days notice to do and perform the work on the public road needing repairs. Contracts for repairs.  
Emergency work.
- SEC. 22. That the supervisors of public roads within said county are hereby authorized and directed to construct foot bridges over the Foot bridges.

streams of water in their districts, where the convenience of travelers on foot requires the same.

Posts and guide-boards.

SEC. 23. That each supervisor within his district or districts shall erect and maintain at the expense of the townships at the forks or cross of public roads a post and guide-board containing an inscription in legible letters directing the way and distance to the town or towns or other public places situate on each road, respectively, and shall erect and maintain mile posts on said public roads showing the distance from the county seat; and that any person who shall willfully demolish, throw down, alter or deface any such guide-post or mile-post shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding twenty days.

Mile-posts.

Injury to guide or mile-post a misdemeanor.  
Punishment.

Trustees may furnish tools

SEC. 24. That the road trustees of the several townships in said county be and they are hereby authorized to furnish plows, scrapers and other tools, which they may deem proper for use upon the public roads of their townships, to be paid out of any moneys of the township for road purposes not otherwise appropriated. The road trustees shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number and kind thereof; and such supervisor shall be liable for loss or any damage or injury to such implements by improper use or care thereof and the amount of loss or injury may be recovered by an action in the name of the road trustees. When so required, the supervisor shall deliver up to the road trustees such implements as may have been furnished him.

Liability of supervisors.

Return of tools.

Right-of-way.

SEC. 25. That the right-of-way of public roads in said county shall be twenty-four feet, and the supervisor, with the approval of the road trustees, shall determine how much of said right-of-way shall be used for road purposes.

Certificate of material.

SEC. 26. That each and every supervisor who shall cut and take away any timber, stone, clay, marl, sand or gravel for the purpose of making, improving or repairing any roads or building or repairing any bridge or crossway within his district, as provided in section eight of this act, or otherwise, shall, on demand of the owners of the land, their agent or agents, or the guardian of any ward or the executor or administrator having the lands in charge from which any of the material aforesaid was taken, give a certificate showing the quantity of such timber or material aforesaid, with the value thereof, respectively, and upon presentation the road trustees shall allow such certificate, if the same is just, but if not shall allow such sum, if any, as they may deem fair and just, and any such sum shall be paid out of the funds of said township.

Payment for material.

Willful injury to crops or land a misdemeanor.

SEC. 27. That if the supervisor shall willfully and wantonly injure any crops or cultivated and improved lands in the exercise of the duties devolving upon him in this act, or should fail to conduct the drain and ditches mentioned in section eight of this act to the nearest waterway, ditch or drain, and keep said drain or ditch in

repair, he shall be guilty of a misdemeanor and fined not exceeding twenty dollars. Punishment.

SEC. 28. If any company or corporation shall damage any public road or roads, either by itself or its agents or employees or contractor or contractors under it by hauling or "snaking" logs, or by hauling lumber thereon, then such company or corporation shall pay to the road supervisor a sufficient sum of money to pay for the repairing of the same, and upon complaint made to the chairman of the board of road trustees of any township in which such damage is alleged to have been done, the chairman aforesaid shall summons such company or corporation within ten days after complaint is made to him, and the board of road trustees shall investigate either by going over the alleged injured road or roads, or by hearing evidence on oath, as to the damage done such road or roads, and if the road trustees shall find such roads damaged as aforesaid, they shall assess against such company or corporation injuring such road or roads a sufficient amount of money to repair such road or roads: *Provided*, the amount of damage assessed shall be the difference between the damage done such road or roads in such township and the yearly road tax paid to such township by said company or corporation. And the road trustees shall return to the clerk of the superior court the amount of such assessment as a judgment of the road trustees for such township, and the clerk shall docket this transcript, and it shall thereupon become a judgment of the superior court, and the clerk shall issue execution against such delinquent company or corporation for the assessed damages as other executions, and the sheriff shall pay the proceeds of said judgment to the clerk of the superior court, who shall pay the same to the road supervisor or secretary-treasurer of the road trustees of the proper township to be applied in the repairing of the damaged road or roads.

Damage to roads by loggers or lumbermen.

Investigation by trustees.

Assessment of damages.

Proviso: measure of damage.

Assessment returned and docketed.

Execution.

SEC. 29. That it shall be unlawful for any supervisor to perform or cause to be performed work on any road not regularly laid out, and established as a public road by law. Work on roads not laid out forbidden.

SEC. 30. That nothing in this act shall be construed as requiring the removal of gates, erected to enclose stock law boundaries in said county. Stock law gates.

SEC. 31. That section two thousand and six hundred and ninety-six, two thousand six hundred and ninety-four and one thousand two hundred and sixty-eight of The Revisal of one thousand nine hundred and five, shall govern the establishment and laying out of cartways except as to duties therein imposed upon the board of supervisors of the township shall devolve upon and be performed by the board of road trustees for the township: *Provided*, that said trustees, in case of appeal, shall require of appellant a bond sufficient to cover the cost of appeal. Cartways.

Proviso: bond on appeal.

SEC. 32. That as to unlawful obstruction of public roads and other injury thereto by railroad companies, sections seventy-two, Obstruction of roads.

seventy-three, seventy-four and seventy-five of chapter fifty of the laws of one thousand nine hundred and one, shall be and the same are hereby made a part of this act.

Acts and omissions constituting misdemeanors by supervisors.

SEC. 33. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid unless the labor shall have been performed prior to the giving of such receipts or certificates, shall be guilty of a misdemeanor and be fined not less than ten dollars or more than twenty dollars; and it is hereby made the duty of the road trustees to prosecute all such offenses against the provisions of this act, and any supervisor violating the provisions of this act shall also be liable on his official bond for any loss resulting from such negligence or wrongful conduct.

Punishment.

Trustees to prosecute.

Supervisor liable on bond.

Neglect or refusal of duty by officers misdemeanor.

SEC. 34. That any road trustee, supervisor, or secretary-treasurer of board of road trustees who shall neglect or refuse to perform any of the duties herein required shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court, and it shall be the duty of the solicitor of the Sixteenth Judicial District to prosecute all offenses against this act.

Punishment.

Solicitor to prosecute.

Control and supervision of bridges. Powers of commissioners.

SEC. 35. That the commissioners of said county shall have supervision and control of the bridges of said county, the locating, construction, maintenance and repair of the same, and may let such contracts and do all such matters and things in connection with the construction, maintenance and repair of said bridges as are consistent with the best interest of said county and best subserve the interest of the traveling public, and may, at their meeting in June, one thousand nine hundred and eleven, and annually thereafter, levy a tax for the maintenance and repair of such bridges, not exceeding five cents on the one hundred dollars worth of property, which tax shall be collected as other taxes for said county; that it shall be unlawful to ride or drive over the bridges of said county in a gait faster than a walk, and all persons violating this provision shall be fined five dollars and cost.

Bridge tax.

Penalty for fast riding or driving on bridges.

Employment of surveyor.

SEC. 36. That with a view of getting a proper grade in laying out or mending any public road, as provided in this act, the authorities herein authorized to lay out and locate the same, may employ a competent surveyor, who shall be paid by the county for his services, and the county commissioners are hereby authorized to use such amount of road funds as may be necessary for general road purposes.

Repealing clause.

Proviso: exception.

SEC. 37. That all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that nothing in this act shall in anywise have the effect of repealing chapter eight hundred and forty-eight of the Public Laws of one thousand nine hundred and seven, relating to the Hazel Creek road district in said county.

When act in effect.

SEC. 38. That this act shall be in force from and after the thirty-first day of March, one thousand nine hundred and eleven.

Ratified this the 23d day of February, 1911.

## CHAPTER 235.

## AN ACT TO ENCOURAGE THE KILLING OF HAWKS AND CROWS IN PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners for Perquimans County be and they are hereby authorized and empowered to pay from the general county funds of said county in the following manner, viz.: to any person presenting or causing to be presented their regular meeting the head of any grey hawk killed in said county, the sum of twenty-five cents for each and every head so presented; to any person presenting or causing to be presented the head of any crow killed in said county, ten cents for each and every head so presented. The county commissioners for Perquimans County shall upon the proper presentation as aforesaid pay the amount specified herein. It shall be the duty of said board to destroy the heads so presented, and to keep a record of same.

Payments of bounty authorized.  
Grey hawks.  
Crows.  
Destruction and record of heads.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 23d day of February, 1911.

## CHAPTER 236.

## AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF WILKES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. All roads and ferries that have been laid out or appointed by virtue of an act of assembly, or any order of court, are hereby declared to be public roads and ferries; and the road supervisors in each township shall have the supervision and control of the public roads of their respective townships. They shall, with respect to this work, constitute and be styled the Board of Supervisors of Public Roads of such township, and under that name for the purpose aforesaid they are hereby incorporated the board of supervisors of public roads, and the board of commissioners, as hereinafter set forth in this chapter, shall have full power and authority within their respective counties to appoint and settle ferries, to order the laying out of public roads where necessary, to appoint where bridges shall be made, to discontinue such roads and ferries as shall be found useless, and to alter roads so as to make them more useful.

Public roads and ferries.  
Supervision and control.  
Corporate name.  
Incorporation.  
Powers reserved to county commissioners.  
Width of roads.

SEC. 2. All roads except such as are causewayed or through cuts shall be not less than sixteen feet wide, cleared of trees, logs and other obstructions to the passage of ordinary vehicles, and there

- shall be ten feet in width in the center of the roadway clear of stumps and runners. Where the overseers deem it expedient to
- Width of causeway. make the proper causeways on the same, they shall be, at least, fourteen feet wide; the earth to cover them may be taken from either hand so as to form a drain on each side of the causeway, and
- Width of bridges. they shall make of the same width necessary bridges over swamps and small streams of water.
- Cartways. SEC. 3. The board of supervisors shall have the right to lay out
- Public roads. and discontinue cartways, and the board of commissioners of the county only shall have the authority to lay out and establish and discontinue public roads: *Provided*, that in the laying out and establishing roads and cartways and for the purpose of assessing damage to property by reason of the same, no greater number of jurors than three shall be summoned or required: *Provided, further*, that either party may appeal from the decision of the board of supervisors to the board of county commissioners.
- Proviso: jury for assessment of damages.
- Proviso: appeals.
- Petition for ferry or road. SEC. 4. The board of commissioners shall not establish any ferry, or order the laying out of any public road, or discontinue or alter such road or ferry, unless upon petition in writing. And unless it appears to the board that every person, over whose lands the said roads may pass, or whose ferries shall be within two miles of the place at which another ferry is prayed to be established, 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 next 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 appoint and settle, or discontinue the said ferry or order the laying out or discontinue or alter the said road, as the case may be.
- Notice of petition.
- Hearing on petition.
- Procedure in laying out roads. SEC. 5. All public roads shall be laid out by a jury of three freeholders, who shall be summoned by the sheriff to meet at one of the termini of the proposed road, and being duly sworn by the sheriff or other person authorized to administer oath, shall lay out said road to the greatest advantage of the inhabitants and with as little prejudice as may be to the lands and enclosures, which laying out and such damages as private persons may sustain shall be done and ascertained by the same jury; and all damages by them assessed shall be deemed a county charge to be paid out of the township fund in which said road is located.
- Ascertainment and payment of damages.
- Petition for cartway, tram or railway. SEC. 6. If any person be settled upon or cultivating any land, or shall own any standing timber to which there is leading no public road or which is not convenient to water, and it shall appear necessary, reasonable and just that such persons should have a private way to a public road or watercourse or railroad over the lands of other persons, he may file his petition before the board of supervisors of the township praying for a cartway, tram or railway to be

kept open across such other person's lands, leading to some public ferry, road, bridge or railroad; and upon his making it appear to the board that the adverse party has had five days notice of his intention, the board may 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 summons a jury of three freeholders to view the premises and lay off a cartway, tram or railway, not less than fourteen feet wide and assess the damages the owner of said land may sustain thereby; which, with the expense of making the way shall be paid by the petitioner; and the cartways as established under this section shall be kept open for the free passage of all persons on foot or horseback and all carts or 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 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.

Hearing on petition.

Jury of view.

Assessment and payment of damages.

Proviso: notice of petition.

Right of appeal.

SEC. 7. The board of supervisors in each township is authorized to lay out 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 when the church or place of worship shall cease to be used as such.

Church roads.

SEC. 8. 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 be made to appear that every person over whose lands the said roads may pass shall have had five days notice of the intention to file such petition, by personal service of notice in writing or if the owner be unknown or if there be no owner, agent or attorney of such resident of this State, then by notice thereof posted up at the court-house door of the county in which the township is situate and at three public places in said township for the space of five days, and upon hearing of the petition, if sufficient reason be shown, the said board of supervisors shall order the laying out, discontinuance or alter the said road as the case may be, and from their determination any party dissatisfied, may appeal as is provided in this chapter in the section directing the laying of cartways.

Petition for laying out, discontinuance or alteration of road.

Notice of intention to file petition.

Hearing of petition.

Right of appeal.

SEC. 9. The roads provided for 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 the lands and enclosures, within ten days from the notification of their appointment by three disinter-

Procedure for laying out roads.

Ascertainment and report of damages.	ested freeholders, to be appointed by the said board of supervisors, and such damage as individuals may sustain shall be ascertained by said freeholders, and a report thereof with the proceedings had by them shall be made to the said board of supervisors; and all damages so 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.
Payment of damages.	
Appeals to superior court.	SEC. 10. Any person may appeal to the superior court at term time from the determination of the board of county commissioners, and if any person shall appeal from the board on a petition, he shall give bond to the opposing party as provided in other cases of appeal, and the superior court at term time shall hear the whole matter anew; and where any proceedings is instituted to lay out, establish, or to discontinue public roads or to appoint and settle ferries, and the said proceeding is carried to the superior court in term time by appeal or otherwise, the parties to said proceedings shall be entitled to have their issue of fact joined in said proceeding, tried in the superior court, in term time by a jury, and from the judgment of the superior court they may appeal to the supreme court as is provided by law for other appeals.
Bond on appeal.	
Hearing on appeal.	
Issue tried by jury.	
Tender, acceptance or rejection of roads.	SEC. 11. Whenever upon petition of any person a road shall be changed and as a condition thereof, it shall be required by the board that he put the proposed road in good condition, he may at any time thereafter tender the same to the overseer who shall receive it if in such condition as is required for highways, and if not he shall reject it; and in either case he shall report and certify the fact to the said board where the same may be considered; and said board shall hear all persons interested in the matter of receiving or rejecting the road; and the decision of the board shall be conclusive as to the condition of the road, but the old road shall not be closed until it be discontinued by order of the board.
Report.	
Hearing by board.	
Footways.	SEC. 12. Every overseer of the road, when the township supervisors may so direct, shall cause to be made and kept in repair for the convenience of travelers 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 when the board shall so direct, shall also construct and keep handrails over all bridges situated on such parts of the road.
Handrails.	
Contracts for bridges.	SEC. 13. When a bridge shall be necessary and the overseer with his assistants can not conveniently make it, the board of county commissioners shall contract for the building, keeping and repair thereof, provided the cost of the same does not exceed five hundred dollars, and the same shall be paid by the county commissioners of the county upon the order of the township supervisors out of the funds belonging to the township in which said bridge is situated.
Limit of cost.	
Payment for bridges.	
Bridges to be kept up by millers and landowners.	SEC. 14. It shall be the duty of every owner of a water mill which is situated on any public road and also 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, shall keep at his own expense in good and sufficient repair, all bridges that are or may be erected or ditched to his mill dam, 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, drain or canal. 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 request of the owner of the mill, the duty hereby imposed on the owner of the mill and on the person cutting the drain or canal shall continue to all subsequent owners of the mill and other property, for the benefit of which the said ditch, drain or canal was cut. When any ditch or drain originally constructed across any public road a bridge for the convenience and safety of the traveling public has been or may thereafter be enlarged by the owner of adjacent lands to drain his land, it shall be the duty of such owner to keep up and in repair all bridges crossing such ditch, drain or canal, and such charge shall be imposed upon all subsequent owners of the land so drained. Any person throwing a bank of dirt in the main road shall be compelled to spread the same. When any ditch or drain is cut in such a way as to drain the water into any public road, the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may be necessary to take the water from said road, and any person failing to comply with the requirements of this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.
- SEC. 15. Railroads, plank roads, and turnpike companies, each shall keep up at their own expense all bridges on or over county or incorporated roads, which they have severally made it necessary to be built in establishing their respective roads; and on failure to do so shall forfeit and pay \$25.00 to any person who may sue for the same.
- SEC. 16. Every contract and order by the board of county commissioners entered into or made and authorized by this chapter for or concerning the building, keeping up or repairing bridges, in such manner as to them may seem most proper, shall be valid against the county to be paid out of the township fund in which said bridge is situated, upon the written order of the township board of supervisors.
- SEC. 17. Every person who shall fail to perform the duties imposed upon him by this chapter 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 damages as may be sustained.
- Exempted mills.
- Ditches or drains enlarged.
- Throwing dirt on roads.  
Drains or ditches into roads.
- Misdemeanor.  
Punishment.
- Bridges kept up by railroad, plank road or turnpike companies.
- Forfeit for failure.
- Contract for bridges.
- Payment for bridge.
- Damages for failure to perform duty.

Building and maintenance of bridges.

SEC. 18. The expense of building and keeping up the public bridges in the county shall be paid for out of the township fund in which said bridge is situated and when said bridge is over a stream which divides one township from another the same shall be paid equally out of the funds of said townships in which situated, upon the written order of the supervisors of both townships.

Bridges in two townships.

Solicitor to institute suits.

SEC. 19. The solicitor of the superior court is hereby authorized and directed to institute suit in the name of the State against all parties who shall willfully or negligently injure any public bridge belonging to the county.

Meetings of supervisors.

SEC. 20. The board of supervisors shall meet at some place in their respective townships to be agreed upon by themselves, or in the absence of such agreement to be named by their chairman, on the first Saturday of February and August of each year for the purpose of consulting on the subject of the condition of the roads in their township. The chairman of the township board shall personally go over and inspect all the public roads of his township during the month of July of each year and make a report of the condition to the full board at their August meeting and shall recommend such repairs as he thinks are needed and it shall be the duty of the board to see that the overseers upon their respective sections shall, within five days after notice, make all repairs that have been recommended by the chairman. And the chairman of the board of supervisors shall be paid one dollar and fifty cents per day for making inspections of the roads, not to exceed six days in any year, and the board of supervisors of the townships shall be allowed the sum of one dollar and fifty cents per day for attending the August meeting, which sum shall be paid by the county commissioners out of the township fund of the respective township upon the written order of the township board.

Inspection of roads and report of condition.

Repairs.

Pay of chairman of supervisors.

Pay of supervisors.

Annual report of supervisors.

Copy to grand jury.

Orders appointing overseers.

Service of orders.

Return of service.

SEC. 21. The board of supervisors shall annually make report to the first term of superior court of their county after the first Saturday in August of the condition of the roads of their township and the judge of the superior court holding the first criminal court after the first Saturday in August shall cause the clerk of the superior court to finish the grand jury with a copy of the reports of the road supervisors.

SEC. 22. The board of supervisors of the township within five days after the rise of the board, shall furnish a constable with two copies of each order appointing overseers of roads that may have been made during the sitting of the board, and the constable shall apply at the office of the board within five days after the rise of every meeting of the board for such orders and on receiving them shall, within ten days, serve each overseer of roads with a copy of the order, or leave the same at his usual habitation; and the other copy shall be returned to the next meeting of the said board of supervisors with the date of its reception by him and the date of

<p>the service endorsed thereon, or the date that it was left at the residence of the overseer. And if either the board of commissioners or constable shall fail to perform any duty enjoined by this section he shall forfeit ten dollars to the county to be recovered at the instance of the solicitor, who shall prosecute the same in the name of the State; provided the delivery to the overseer of the order appointing him by the board of supervisors of the township, or any one of them, shall be deemed and held to be a legal service.</p>	<p>Forfeit for failure to perform duty.</p>
<p>SEC. 23. The board of supervisors shall annually at their meeting in August, divide the roads of their townships into sections and appoint overseers for such sections at said meeting. They shall at the same time allot the hands to the overseers, and shall also designate the boundaries or points to which each resident shall be liable to work on each section, and shall within five days after such meeting certify to each overseer written notice of his appointment, with a list of hands assigned to his section. The board of supervisors may at any time alter the sections 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 the expiration of twelve months provided his road shall be in good repair, and the board of supervisors shall so find; and any overseer so resigning and whose resignation has been accepted by the board, shall not without his consent again be 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 commissioners of the county shall determine how said road shall be divided with notice as to the working of said road. The hands may be allotted to a road by allotting all who live or shall live within any certain boundaries to be fixed by the board of commissioners, in which event a list of hands by name need not be given, but the list shall specify the hands living within the prescribed territory.</p>	<p>Duty of solicitor.          Proviso: legal service.</p> <p>Division of roads.</p> <p>Appointment of overseer.          Allotment of hands.</p> <p>Certificate to overseer.</p> <p>Alterations.</p> <p>Notice to overseer.</p> <p>Term and liability of overseer.</p> <p>Resignation of overseer.</p> <p>Division of roads dividing townships.</p> <p>Allotment of hands by boundaries.</p>
<p>SEC. 24. Every overseer shall, at each and every meeting of the board of supervisors of his township make sworn report to them of the present condition of his road, of the number of days' work on his section since the last meeting, of the number of hands who attended and worked each day, of the number of hands who failed to attend and work; whether or not they were legally summoned and whether or not they paid the one dollar as provided. The 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 lawfully summoned, have failed to attend and work on said road and that they did not pay the one dollar, then it shall be the duty of the chairman of the board of supervisors to go</p>	<p>Reports of overseers.</p> <p>Reports to be sworn.</p> <p>Warrants for delinquent road hands.</p>

- Proviso: prosecution by overseer. before some justice of the peace of the county and cause a warrant to be issued for the arrest of any such hand and shall cause him to be put upon trial for the offense: *Provided*, that nothing herein contained shall prevent the overseer of the road from prosecuting at any time after the offense has been committed, any hand for failure to work on the road and such cause of prosecution shall be stated in his report to the board of supervisors that they may not enter prosecution for the same offense. And upon conviction shall be fined not less than five dollars nor more than ten dollars, or imprisoned not more than twenty days.
- Punishment. SEC. 25. That said overseers shall, at the meeting of the supervisors in August, make a sworn report of all moneys collected by them from parties excused from work on the roads for the preceding year, with a statement as to how the same was expended. 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 said failure to make a sworn statement of the facts before some justice of the peace of the county who shall immediately issue a warrant for the arrest of said overseer and try him for said offense, and on conviction shall be fined not less than ten dollars, nor more than twenty-five dollars.
- Overseers' reports of money collected. Warrant for delinquent overseer. Punishment. Road laid off for convenience of hands. SEC. 26. The overseer, if requested by a majority of the hands on the road assigned to him, may in his discretion lay off the road in equal portions for the convenience of the laborers who shall finish his or their part by a time agreed on between him, and each person, but on default of any agreeing party, the overseer shall cause such part to be finished by the labor of other persons and by warrant may recover the value thereof to his own use: *Provided*, that the time agreed on shall not exceed ten days and nothing in this section shall be a defense to the overseer when prosecuted for default concerning the condition of the road.
- Proviso: time for completion of work. Overseer not relieved. Materials from adjacent lands. SEC. 27. Overseers may lawfully cut poles and other necessary timbers for repairing and making bridges and causeways and whenever earth shall be needed on a public road and it can not conveniently be procured on either side of the causeway, the overseer may lawfully take the earth from any adjoining lands.
- Warning to hands. SEC. 28. 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 on which they are required to attend, the place of the road to be worked and the kind of tool to be brought or used; and the said written summons left as aforesaid shall be deemed sufficient notice to the hands required to be notified; and all penalties recovered by an overseer for default of working on the road shall be applied by him to the repair of the road on which he is, or may have been overseer.
- Penalties applied to roads.

- SEC. 29. The overseer of the road shall, as often as the road shall require, not more than ten days in any one year summons the hands of his section to work on the road, but said hands shall not be required to work continuously for a longer time at any one time than two days, and, at least ten days shall intervene between workings except in case of special damage to the road resulting from a storm. The hands shall be summoned at least three days before the day named for the work, and the summons shall state the hour and the place for the meeting of the hands and what implement the hand shall bring with him. 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 on the road under the direction of the overseer until discharged by him: *Provided*, that no hand shall be required to work exceeding eight hours in any one day, and eight hours shall be counted as a day's work upon the roads. 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 one dollar, shall be relieved from working on the road for one day. The money thus collected by the overseer shall by him be applied on the working and repair 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 and any overseer accepting a substitute not in conformity with this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than five dollars nor more than ten dollars, or imprisoned not less than ten days nor more than twenty days.
- SEC. 30. Overseers shall cause to be set up at the forks of their respective roads a post or posts 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 near as can be computed; and every overseer who shall for ten days after notice of his appointment neglect to do so and keep the same in repair shall forfeit and pay for every such neglect ten dollars, and any person who shall unlawfully and willfully injure, deface, tear down or remove any signboard shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned in the discretion of the court.
- SEC. 31. Every overseer of a road shall cause the same to be exactly measured wherever 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 numbers 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 the overseer shall neglect any of the duties prescribed in this section, for the space of thirty days after his appointment to office, he shall forfeit and pay four dollars, and
- Road duty.  
Continuous duty.  
Time of warning.  
Hands to attend and work.  
Proviso: day's work.  
Commutation.  
Commutation applied to roads.  
Proviso: substitute.  
Accepting improper substitute misdemeanor.  
Punishment.  
Signboards.  
Forfeit for failure by overseer.  
Injury to signboard misdemeanor.  
Punishment.  
Roads to be measured.  
Mile-posts.  
Forfeit on overseer for failure.

- the like sum every thirty days thereafter the said marking may be neglected. That the cost of erecting signboards shall be paid out of the township fund in which they are situated by the board of county commissioners upon the written order of the township board of supervisors.
- Payment for signboards.      SEC. 32. All able-bodied male persons between the ages of eighteen and forty-five years shall be required to work under the provisions of this chapter, upon the public roads, except the members of the board of supervisors of public roads, but no person shall be compelled to work more than ten days in any one year except in case of damage resulting from a storm.
- Road duty.
- Exemptions.      SEC. 33. 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 of the State, or by the board of road supervisors, who shall be the sole judges.
- Traction engines and road steamers.      SEC. 34. It shall be lawful for any person to run and use traction engines and road steamers upon the public roads of the county, and they shall be responsible for all injury done to roads and bridges.
- Claims for material.      SEC. 35. The owner of any land or timber used for building or repairing public roads may file his petition before the township board of supervisors for damages sustained thereby and the board shall make an order allowing such petitioner such compensation as they deem just and reasonable and upon their written order, the board of commissioners of the county shall pay the same out of the township fund where the damage occurred.
- Allowance of damages.
- Payments.
- Damage to roads a misdemeanor.      SEC. 36. If any person, company or corporation shall damage any public road, bridge or causeway by hauling logs or sawmill timber thereon, and shall not repair the damage done thereto within five days after being notified of said damage by the overseer of said road or by any member of the board of supervisors of the township in which said damaged road is situated, he shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not exceeding thirty days: *Provided*, if any person shall pay the damages as assessed by the board of supervisors for injury to said road, the payment of such damage shall be a complete bar to any criminal prosecution under this section and if any criminal prosecution shall have been commenced prior to the payment of said damages, the further proceedings in said criminal prosecution may be ended by the defendant paying the costs necessarily incurred in said criminal prosecution and satisfying the court that said damages and all proper costs have been paid.
- Punishment.
- Proviso: payment of damages to bar prosecution.
- Speed over bridges.      SEC. 37. If any person shall ride or drive over any public bridge at a rate of speed faster than a walk he shall be guilty of a misdemeanor, and automobiles in passing over said bridges shall not exceed the rate of four miles per hour, and any one violating the
- Automobiles.

provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days or more than thirty days, or both in the discretion of the court. And it shall be the duty of the board of commissioners of the county to cause to be erected notice at each end of the bridges stating the substance of this section.

SEC. 38. That upon any road overseer's filing his sworn report in repair: *Provided*, that the fund raised by taxation in each township supervisors find that he has complied with the law, the board shall allow said overseer the sum of three dollars for extra work in summoning hands and attending the meetings of the road supervisors, which sum shall be paid by the county commissioners upon the written order of the township supervisors out of the township fund to which it belongs.

SEC. 39. The commissioners of Wilkes County are hereby directed and empowered to levy at their annual meeting in June of each and every year a tax of ten cents on the one hundred dollars worth of real and personal property for the purpose of carrying out the provisions of this act in keeping the roads and bridges of the county in repair: *Provided*, that the fund raised by taxation in each township shall be set apart and expended upon the roads and bridges of said township except the fund raised by the tax upon the railroad, which shall be prorated equally among all the townships of the county, and after expending the money under the provisions of this act in the payment of repairs to bridges, blasting material, tools, and other necessary machinery and expenses, payment of township supervisors and road overseers, the balance shall be expended in the permanent location of the roads of the township under the supervision of a competent road surveyor or road engineer. That the money authorized to be expended under this act shall be paid out by the board of county commissioners upon the written approval of the road supervisors upon sworn accounts duly verified by persons competent to administer oath.

SEC. 40. That C. M. Triplette is hereby appointed county road supervisor and surveyor who shall upon the request of any township board of supervisors, go to said township and make proper locations of said roads and for the time engaged in making said surveys, shall be paid the sum of three dollars per day by the county commissioners upon the written order of the township supervisors out of the township funds. And when said supervisor shall locate a road, the same shall be built as located, out of any funds of the township then not expended, and which is to the credit of said township.

SEC. 41. That the following persons are hereby appointed as road supervisors for their respective townships, who shall hold their office for a term of two years from the tenth day of March, one

Misdemeanor.  
Punishment.

Notices on bridges.

Allowance to  
overseers.

Commissioners to  
levy road tax.

Rate.

Proviso: taxes  
expended in town-  
ships.

Road orders.

County road super-  
visor and surveyor.  
Duty.

Pay.

Roads built and  
located.

Road supervisors.

Term of office.

thousand nine hundred and eleven, and at the expiration of their terms the sommissioners of Wilkes County shall elect their successors at their meeting in February one thousand nine hundred and thirteen, and biennially thereafter, and in making said selections, not more than two of any township board shall belong to the same political party:

	<i>Township.</i>	<i>Supervisors.</i>
Edwards.	Edwards .....	N. E. Parlier, T. M. Byrd, J. M. Lyon.
Rock Creek.	Rock Creek .....	C. W. Wiles, J. L. Wood, Charley Elmore.
Jobs Cabin.	Jobs Cabin .....	H. O. Parsons, W. M. Lee, T. J. Walsh.
Union.	Union .....	J. L. Whittington, C. H. Colvard, David Roten.
Brushy Mountain.	Brushy Mountain .....	A. M. Vannoy, E. C. Moore, A. O. Parker.
Antioch.	Antioch .....	R. L. Welborn, A. W. Green, Simon Curry.
Traphill.	Traphill .....	J. N. Gentry, M. F. Bryan, J. S. Kilby.
North Wilkesboro.	North Wilkesboro .....	H. W. Horton, L. Vyne, J. O. Woods.
Walnut Grove.	Walnut Grove .....	G. E. Blevins, J. A. Myres, J. H. Joines.
Mulberry.	Mulberry .....	R. E. Faw, Nath Wyatt, Jr., W. H. Sebastian.
Lewis Fork.	Lewis Fork .....	D. F. Sheppard, R. L. Proffitt, U. G. Foster.
Elk.	Elk.....	George Hendrix, S. S. Barlow, John Triplette.
Boomer.	Boomer .....	R. P. Yates, Tom Howell, Sydner Swanson.
Beaver Creek.	Beaver Creek .....	T. C. McGinnis, W. J. St. Clair, J. F. Foster.
Wilkesboro.	Wilkesboro .....	W. S. Welborn, E. F. Anderson, C. M. Tevepaugh.
Somers.	Somers .....	L. W. Lonsford, Reece Johnson, Gus Myers
Lovlace.	Lovlace .....	R. N. Garner, P. M. Reid, R. V. Wright.
Moravian Falls.	Moravian Falls .....	R. Don Laws, W. L. Hubbard, H. J. Steelman.
New Castle.	New Castle .....	J. P. Mathewson, R. S. Gray, W. A. Holaman.
Reddies River.	Reddies River .....	H. C. Kilby, J. H. Pennell, Garfield Foster.

Supervisors to qualify.

who before entering upon the discharge of their duties shall take an oath before some one competent to administer an oath, to faithfully and impartially discharge the duties of their office.

Fund for purchase of machinery and tools.

SEC. 42. That the money remaining on hand collected under and by virtue of the act of one thousand nine hundred and nine authorizing the levy of special tax in Wilkes County, or by virtue of a ten cent road tax for year one thousand nine hundred and nine, shall be expended by the commissioners of Wilkes County in the purchase of machinery and tools which they may deem necessary for carrying out the provisions of this act, and if any amount remains after such purchases, then the same is to be equally prorated among the several townships of the county.

SEC. 43. That chapter seven hundred and eighty-one, laws of one thousand nine hundred and nine regulating the working of public roads in Wilkes County is hereby repealed, together with all other laws and clauses of laws in conflict with this act.

SEC. 44. That this act shall be in force from and after its ratification.

Ratified this 24th day of February, 1911.

## CHAPTER 237.

AN ACT TO REPEAL CHAPTER SIX HUNDRED AND SIXTY-FOUR PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, ESTABLISHING A HIGHWAY COMMISSION IN VANCE COUNTY, AND TO PROVIDE FOR BETTER WORKING THE HIGHWAYS AND PUBLIC ROADS OF VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the duties, powers and authority conferred on or exercised by the highway commission of Vance County be and are hereby transferred to and conferred on and are to be exercised and discharged by the board of county commissioners of Vance County.

Duties, powers and authority transferred to county commissioners.

SEC. 2. At or before their meeting in May of each year the said board of county commissioners shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery and supplies for the proper working and improving and establishing the public roads and highways in said county, and to pay all expenses thereof for one year, and shall fix and determine the rate of tax on property and poll in said county for the purpose of raising said amount, which rate shall not be more than twenty-five cents on the one hundred dollars (\$100) of valuation of real and personal property, nor more than seventy-five cents on the polls for any one year. And it shall be the duty of the said board of county commissioners and justices of the peace, at their meeting in June (or at such time as may be fixed by law), to levy a special tax as is determined by the said board of county commissioners for said purpose, or such amount as to them in their discretion may seem proper and necessary, not exceeding, however, the above named rate. Said tax shall be collected as other taxes are collected, and they shall be kept separate by the county treasurer, and paid out by him only upon proper orders of the said board of county commissioners for the proper purposes for which they are levied. Said tax shall be levied upon and collected out of the property and polls whether in incorporated towns or not, and the constitutional equation between the tax on property and on poll shall always be observed.

Determination of tax rate.

Limit of rate.

Levy of tax.

Collection.

Tax to be kept separate.  
Road orders.

Constitutional equation.

SEC. 3. That the judges of the superior courts and criminal courts of this State, on request of the said board of county commissioners are hereby authorized and empowered to sentence convicts in the said county, or in other counties, to work upon the public roads in Vance County; and all the justices of the peace and mayors of towns and recorders of said county are hereby authorized and empowered to sentence persons tried before them and found guilty of violating the criminal law within their jurisdiction, or of

Convicts to be sentenced to road work.

- vagrancy, to sentence said persons so convicted to work upon the said public road: *Provided*, that no person shall be required to work for a longer term than that for which he could have been imprisoned for the offense.
- Proviso: term of work.      SEC. 4. That the board of county commissioners shall be authorized to provide proper quarters for convicts and to employ suitable guards and overseers, and to provide means for their safe keeping and control out of the road funds.
- Control and safe keeping of convicts.      General road fund.      SEC. 5. That the taxes and other revenue raised under this act or under any law for road purposes in said county shall constitute a general road fund for the construction and improvement of the roads of said county, and for the purchase and maintenance of tools, machinery, teams, and other supplies or equipment for the better prosecution of the work, and shall be expended according to the judgment and the discretion of the board of county commissioners, and the said commissioners shall, as often as they deem necessary, issue warrants or orders upon the county treasurer directing him to pay to the supervisor or other officer of roads the amount therein specified for the purpose of carrying out the provisions of this act.
- Expenditure.      Road orders.      Election of supervisor.      SEC. 6. That the said board of county commissioners shall on or before June first, one thousand nine hundred and eleven, elect one supervisor or superintendent of roads who shall have charge of the work under the supervision of the said board of county commissioners. The said board of county commissioners may in their discretion employ an engineer, or engineers, to survey and lay off new roads in said county and to furnish detail plans, estimates and costs of making of new roads or the cost of altering or repairing of any roads laid out, or of changes of roads already run.
- Employment of engineer.      SEC. 7. That the said supervisor or superintendent shall be required to execute a proper undertaking in an amount to be fixed by the said board of county commissioners for the faithful performance of his duties, and for the proper accounting for the funds and property which may come into his hands, and shall always be subject to the orders and control of the said board of county commissioners, and said board of county commissioners shall have power to fill any vacancy in said office of superintendent of roads that may occur by removal, resignation, death or otherwise for the unexpired term of said office, and may at any time remove said superintendent for inefficiency, misconduct or other good cause and his successor may be appointed by them. The supervisor or superintendent shall be required to give his entire time and personal attention to the work assigned him by the board of county commissioners.
- Bond of supervisor.      Vacancy.      Removal for cause.      SEC. 8. The supervisor or superintendent shall have charge and management of the hands, labor, teams, tools, appartaus and machinery used on the roads under his charge, and shall render an itemized statement of account of the number of hands or persons,
- Powers of supervisor.      Itemized statements.

including convicts, worked on the roads, the number of hours and days worked, and the amount paid each hand, and the amount of money received and how the same was disbursed, and a list of the tools, machinery, implements, dump carts, teams and other apparatus in his hands, and the condition thereof, and any other information in reference to his management that may be reasonably required. Said reports shall be made monthly to the said board of county commissioners. He shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the control and directions of the board of county commissioners. Monthly reports.

SEC. 9. That the said board of county commissioners shall have full power and discretion to adopt such methods and means and agencies for and in the management, improvement and working of the said roads as they may determine to be wise and best, regardless of any seeming restrictions or limitations in this act; and they may also make such purchase of stone (whole or crushed) gravel-pits, land, timbers and machinery and teams as they deem wise and necessary for the improvement of the roads. Powers and discretion of county commissioners.  
Purchase of material.

SEC. 10. That the said board of county commissioners shall make an annual statement of all their doings and proceedings in the same manner and at the same time as is required of the board of county commissioners, which statement shall be recorded and prescribed by the register of deeds in a suitable book, which shall be subject to the inspection of the public; and the register of deeds shall receive the same fee for such service as he receives in other like cases. Annual statements.

SEC. 11. All orders or warrants of the said board of county commissioners on the county treasurer authenticated as required for such orders of the board of county commissioners shall be paid by the said treasurer out of the road funds in his hands. Payment of road orders.

SEC. 12. That the said board of county commissioners shall have all the powers and jurisdiction now given by law in regard to high roads and highways of said county and the provisions of the general road law now applicable to Vance County. Powers of commissioners under general law.

SEC. 13. That for the purpose of repairing and constructing and improving the public roads the supervisor or superintendent shall have authority to enter upon any lands to cut and carry away timber, except trees or groves left for ornament or shade; to dig or cause to be dug, and carry away stone, gravel, earth, sand or stone which may be necessary to repair or improve said roads; to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing or resisting the performance of these duties, or willfully obstructing such drains or ditches when made, shall be guilty of a misdemeanor. And any such supervisor, officer or employee maliciously or needlessly injuring or damaging any of the lands or timbers in the performance of his duties shall be guilty of a misdemeanor: *Provided*, when it is pro- Entrance on land for material.  
Drains and ditches.  
Obstructing ditches or drains misdemeanor.  
Willful injury to land misdemeanor.  
Proviso: location of road.

posed to locate any portion of a road the engineer or superintendent shall attend to the location and report to the commissioners, and upon their approval the superintendent shall proceed to construct the road as located; upon completion of the work he shall report to the commissioners the amount of any damages he deems due to any person on account of establishing the road, which, upon approval of the commissioners, shall be paid if accepted by the parties interested. If not approved by the commissioners or accepted by the parties, the commissioners shall proceed to appoint three disinterested persons to assess damages as provided by law in the location of roads.

SEC. 14. It shall be the duty of the board of county commissioners of Vance County at a meeting held after the ratification of this act to appoint a proper and suitable person supervisor or superintendent of the public roads and highways of Vance County, who shall be subject to the conditions and limitations provided in this act. They shall also fix his salary and term of office: *Provided*, that at the next general election for the public officers of Vance County and each general election thereafter the said supervisor or superintendent shall be elected by the popular vote of the voters of Vance County, and his salary shall be fixed by the board of county commissioners.

Report of damages.

Assessment of damages.

Appointment of supervisor.

Salary and term.

Proviso: election of successor.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 24th day of February, 1911.

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## CHAPTER 238.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF CHEROKEE COUNTY TO ISSUE BONDS TO TAKE UP THE FLOATING INDEBTEDNESS OF SAID COUNTY AND TO LEVY A SPECIAL TAX TO PAY THE INTEREST THEREON.

*The General Assembly of North Carolina do enact:*

Purpose of issue.

Bond issue directed.

Amount.

Specific appropriation.

Denominations.

Maturity.

SECTION 1. That for the purpose of taking up and paying off the floating indebtedness of the county of Cherokee, the board of commissioners of said county are hereby authorized, empowered and directed to issue coupon bonds of the said county to an amount not to exceed twelve thousand dollars, the proceeds of which shall be used for this purpose and for no other purpose whatsoever.

SEC. 2. That said bonds shall be issued in the name of the county in denominations of five hundred dollars or multiples thereof and shall be made payable thirty years from the date of their issue with

the right and privilege of retiring any or all of said bonds at any time after the expiration of fifteen years, at the option of the county. Said bonds shall bear interest at no greater rate than six per centum per annum, interest to be payable semi-annually, both interest and principal to be paid at such place as the commissioners may designate. Said bonds shall be signed by the chairman of the board of county commissioners, countersigned by the register of deeds and attested by the seal of said board; shall have interest coupons attached which shall be signed by said register of deeds either in autograph or engraved fac simile, and said bonds and coupons when issued and sold shall constitute and be valid and subsisting obligations of said county.

SEC. 3. That said bonds may be sold at either public or private sale as to the commissioners shall seem best, but in no event shall any of said bonds be sold, hypothecated or otherwise disposed of for less than their par value.

SEC. 4. That for the purpose of raising sufficient money to pay the interest on said bonds, the county commissioners of Cherokee County are hereby authorized and empowered to annually levy, at the same time other taxes are levied, a sufficient special tax to pay the same, which taxes shall be collected by the sheriff or tax collector in the same manner as other taxes are collected.

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

Ratified this the 24th day of February, 1911.

## CHAPTER 239.

### AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF CATAWBA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and eighty-one, Laws of eighteen hundred and ninety-nine, as amended by chapter seven hundred and twenty-nine, Laws of nineteen hundred and one, so far as the same are not in conflict with the provisions of this act, are hereby adopted for the construction, maintenance and improvement of the public roads of Catawba County, and taxes for road purposes shall be levied in accordance therewith: *Provided*, the rate of taxation levied in the several townships may be different in the different townships, in the discretion of the board of county commissioners, and the taxes so levied and collected shall be used for the construction and improvement of the roads of the township from which collected, as near as may be, as the commissioners may direct or approve: *Provided, further*, that the commissioners may

Interest.

Authentication.

Sale of bonds.

Not below par.

Special tax.

Former road laws adopted.

Proviso: tax rate.

Proviso: county road fund.

set aside, as a county road fund, an equitable portion of the funds of the various townships for the payment of expenses which should be borne in part by the several townships.

Election of superintendent.

SEC. 2. That the superintendent of roads shall be elected at the regular meeting of the county commissioners in May, one thousand nine hundred and eleven, and at the regular meeting in October of each year thereafter, and shall give bond in a sum to be determined by the commissioners. The present superintendent shall continue in office until the election in May, one thousand nine hundred and eleven. Any road or roads, or parts thereof, in the county, or the roads of any one or more townships may, in the discretion of the commissioners, be placed in charge of one or more supervisors, free from the control or supervision of the county superintendent of roads. The compensation of the superintendent may be changed from time to time as his duties and territory are changed by the commissioners.

Bond of superintendent.

Supervisors.

Compensation.

SEC. 3. That the board of county commissioners or the county superintendent or township supervisor with the approval of the commissioners, may contract with any person, firm or corporation for the construction or improvement of any public road or part thereof and pay the costs thereof out of the funds of the township in which said road or part thereof is located: *Provided*, any contract may be terminated at any time by the commissioners, or by the superintendent or the supervisor with the approval of the commissioners, and in that case the commissioners shall pay pro rata for the work performed under the contract.

Roads may be let to contact.

Proviso: power to cancel contracts.

SEC. 4. That the board of county commissioners or the superintendent or township supervisor with the approval of the commissioners, may discontinue any road or part thereof, and may, in their discretion, dispense with the aid of an engineer or surveyor in the location of any road to be constructed or improved, when in their opinion such aid is unnecessary.

Power to discontinue.

Power to dispense with engineer.

SEC. 5. That for the purpose of constructing any new road, the commissioners, whenever they may deem it advisable so to do, are authorized and empowered to appoint overseers or supervisors on such roads, and to assign to said overseers or supervisors such hands from the body of the county as in the opinion of the commissioners may be necessary to construct the same: *Provided*, such hands shall be required to work not more than three days in any year, in addition to the road duty required by section four, chapter seven hundred and twenty-nine, Laws of one thousand nine hundred and one.

Powers in constructing new roads.

Allotment of hands.

Proviso: road duty.

Width of right-of-way and road bed.

SEC. 6. That until public roads shall be improved and graded as specified in subsection (a) of section ten and section eleven of chapter seven hundred and twenty-nine, Laws of one thousand nine hundred and one, all public roads, except cartways, shall have a right-of-way of thirty feet wide, and the width of the road bed shall be decided by the commissioners, but shall not be less than twenty feet clear of ditches, trees and other obstructions, subject to the

exceptions in said section eleven, chapter seven hundred and twenty-nine, Laws one thousand nine hundred and one: *Provided*, roads not used very extensively may be reduced to eighteen feet in width.

Proviso:  
reductions.

SEC. 7. That all telephone or telegraph poles or other poles permitted along the public roads shall be placed under the direction of the supervisor or superintendent, subject to the approval of the commissioners, so as not to interfere with the proper working, repairing or improving the said roads, and all poles otherwise placed or standing shall be removed by the person or company owning or having charge of the same.

Telephone and  
telegraph poles.

SEC. 8. That any trees, bushes or hedges, except such as are planted or preserved for fruit, ornament or shade, within fifteen feet

Removal of trees,  
bushes and hedges.

of either side ditch of a public road, may be cut and removed by the superintendent or supervisor, or under their direction, when in their opinion such removal of trees, bushes or hedges, would materially improve the condition of the road: *Provided*, if the consent of the owner can not be obtained for such removal, then the approval of the board of commissioners shall first be obtained, and

Proviso: approval  
of commissioners.

if the owner of such trees, bushes or hedges shall claim any damages, he shall present his claim to the commissioners within sixty

Claims for  
damages.

days, and if not approved by the commissioners, the amount of damages shall be ascertained by not more than three disinterested

Settlement of  
damages.

freeholders appointed by the commissioners, from whose award either party may appeal to the superior court within thirty days

Right of appeal.

after the regular meeting of the commissioners to which a report of such award may be made and acted upon: *Provided*, the party appealing shall within the said thirty days give bond in the sum of two hundred dollars to secure the costs.

Proviso: bond on  
appeal.

SEC. 9. That any person or corporation violating any of the provisions of this act, or any person or corporation failing or refusing

Violation of act or  
failure of duty a  
misdemeanor.

to perform any duty required of them by virtue of this act, except where some other penalty is provided, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding fifty dollars or be imprisoned not exceeding thirty days.

Punishment.

SEC. 10. That the board of commissioners are authorized to contribute, in their discretion, an equitable portion of the road funds from taxes in any township to the improvement of roads through towns in such township.

Roads through  
towns.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed so far as they may be applicable to Catawba County or any township thereof: *Provided*, nothing herein shall prevent collection and expenditure of any taxes heretofore levied for road purposes, or in any way impair any obligation incurred by the commissioners of said county or any right or obligation due the county or any township, or affect any forfeiture or penalty incurred.

Repealing clause.

Proviso: taxes  
heretofore levied  
and obligations  
incurred.

SEC. 12. That chapter four hundred and fifty-four, Public Laws of

Laws authorizing  
bond issue  
re-enacted.

Proviso: interest.  
Proviso: expend-  
iture of funds.

Proviso: special  
tax discontinued  
on issuance of  
bonds.

nineteen hundred and one, and chapter one hundred and fourteen, Public Laws of nineteen hundred and seven, and amendments thereto, so far as they provide for issuing bonds, application of the proceeds from sale thereof, levying and collecting taxes for payment of interest and payment of bonds at maturity, and all clauses thereof relating to or having reference to bonds are hereby reenacted, and bonds for any township in Catawba County may be issued in accordance with the provisions of either of said chapters: *Provided*, any bonds that may be issued may bear a rate of interest not exceeding six per cent per annum: *Provided, further*, funds from sale of bonds shall be expended under the provisions of this act, and in any case convict labor may be used: *Provided, further*, that whenever bonds shall be issued for any township then the commissioners may discontinue levying a special tax for road purposes in such township, except the tax provided for paying interest and for a sinking fund for payment of such bonds and interest thereon.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, 1911.

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#### CHAPTER 240.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF BUNCOMBE COUNTY TO ISSUE REFUNDING BONDS.

*The General Assembly of North Carolina do enact:*

Purpose of issue.

SECTION 1. That for the purpose of paying off and discharging the fifty thousand (\$50,000) dollars of five per cent refunding bonds, issued by the county of Buncombe on the first day of December, A. D. one thousand nine hundred and one, and maturing on the first day of December, one thousand nine hundred and eleven, which said bonds were issued by the commissioners of Buncombe County, under and by virtue of section 1, chapter 598 of the Public Laws of North Carolina, one thousand nine hundred and one, the board of county commissioners of said county are hereby authorized and empowered to issue the bonds of said county to an amount not exceeding fifty thousand (\$50,000) dollars, in denominations of not less than one hundred (\$100) dollars or more than one thousand (\$1,000) dollars; the said bonds shall be payable within twenty years from the date of the issue and shall bear interest at a rate of not more than five per centum per annum, payable semi-annually.

Bond issue  
authorized.

Amount.  
Denominations.

Maturity.  
Interest.

Application of  
proceeds.

SEC. 2. That said board of county commissioners, out of the proceeds of said bonds, shall pay off and discharge the bonds herein referred to, which become due on December first, one thousand nine hundred and eleven, and shall immediately cancel and destroy the said old bonds.

SEC. 3. That the board of commissioners of said county is authorized to annually levy a special tax of sufficient amount to pay the interest on said bonds and the principal at maturity.

SEC. 4. That said board before disposing of said bonds shall advertise them for sale in some newspaper, to be sold to the highest bidder, and shall sell the same at the best rate of interest obtainable.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 24th day of February, 1911.

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CHAPTER 241.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of commissioners of Beaufort County and they are hereby authorized and empowered to levy a special tax not to exceed thirteen and one-third cents on the one hundred dollar valuation of real and personal property in said county, annually for two years, to wit: the years one thousand nine hundred and eleven (1911) and one thousand nine hundred and twelve (1912) to be expended and applied to the payment of the indebtedness and current expenses of said county.

SEC. 2. That said taxes shall be levied and collected as other public taxes are levied and collected in said county.

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

Ratified this the 24th day of February, 1911.

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CHAPTER 242.

AN ACT TO ALLOW THE COMMISSIONERS OF MADISON COUNTY TO BUILD BRIDGES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Madison County, at any regular special meeting, are authorized and empowered whenever in their judgment the best interests of the public will be served, to construct iron bridges across any stream in Madison County. Said bridges to be of such kind and dimension as will best serve the interests of the people of said county.

SEC. 2. The county commissioners of Madison County shall levy a tax not to exceed eight and one-third cents on every one hundred

dollars worth of taxable property in Madison County for the purpose of carrying out the provisions of this act, on the first Monday in June of each and every year until the provisions of this act are carried out: *Provided*, that if no bridges are constructed by the commissioners of said county in compliance with this act, no taxes shall be levied or collected for such purpose: *Provided, further*, that no funds collected under the provisions of this act shall be used for any other purpose.

Proviso: tax not to be collected if no bridges are constructed.

Proviso: specific appropriation.

Bridges let to contract.

Proviso: contractors.

SEC. 3. That said commissioners shall let out the contract for building said bridges, if any are authorized constructed, to the lowest bidder: *Provided*, that said bidder or bidders be competent as a mechanic to construct or build said bridge or bridges, in a manner that will be satisfactory to the county commissioners, or their authorized engineer, or person whom they may select, such man or men to be experienced in bridge building.

Approval of contract.

SEC. 4. The contract for the building of any bridge that may be authorized under the provisions of this act, relative to the beginning and completion of same, and the manner in which payment is to be made shall be subject to the approval of the county commissioners.

Application of act.

SEC. 5. That this act shall apply only to Madison County.

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

Ratified this the 24th day of February, 1911.

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## CHAPTER 243.

### AN ACT TO ESTABLISH A SPECIAL COURT IN THE CITY OF SHELBY, AND IN CLEVELAND COUNTY AND TO PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

Special court created.

SECTION 1. A special court, to be designated "Recorder's Court of Cleveland County," is hereby created in Shelby.

Court of record.  
Recorder.

SEC. 2. Said court shall be a court of record, and it shall be presided over by a recorder, who shall be a qualified voter of Cleveland County, and a regular licensed attorney at law, of North Carolina.

Election of recorder and auditor.

SEC. 3. At the next general election held for the election of members of the General Assembly there shall be elected by the voters of Cleveland County a recorder and auditor who shall serve for two years from January the first, one thousand nine hundred and thirteen, or until his successor is elected and qualified: *Provided*, however, if in the judgment of the board of commissioners of Cleveland County said office of recorder and auditor is unprofitable or unwise

Proviso: commissioners may abolish office.

for the county, said board of commissioners shall have the power, by resolution passed at their meeting on the first Monday in April, one thousand nine hundred and twelve, to abolish said office, the abolition of same to take effect on the first Monday in March, one thousand nine hundred and thirteen. Until said general election is held in Cleveland County H. T. Hudson, Esq., is hereby appointed recorder and auditor for Cleveland County, and should a vacancy occur in said office by death or otherwise a recorder and auditor shall be appointed or elected by said board of commissioners as soon thereafter as possible, to serve during the vacancy until the general election. Said recorder and auditor herein provided shall, before entering upon the discharge of his duties, take and subscribe the oath required of judges of the superior court, before the clerk of the superior court of Cleveland County which said oath shall be recorded by said clerk. The salary of the recorder and auditor shall be one thousand dollars per year to be paid monthly out of the funds and in the manner as herein provided.

Recorder and auditor named.  
Vacancy.

Recorder and auditor to qualify.

Salary.

SEC. 4. Said court shall have a seal with the impression, "Recorder's Court of Cleveland County," which seal shall be used in attestation of writs, warrants, or other proceedings, acts or judgments of said court, as required and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.

Seal of court.

SEC. 5. The court shall hold daily sessions, Sundays and legal holidays excepted, at the court-house in Cleveland County, except when the superior court shall be in session in said county, during which time the sessions of the recorder's court shall be held in the city hall of Shelby. The first session of the said court shall be held on the first Monday in March, one thousand nine hundred and eleven, after the qualification of the recorder as herein provided.

Session of court.

First session.

SEC. 6. The jurisdiction of said court shall be as follows:

Jurisdiction.

(a) Said court shall have final, exclusive, original jurisdiction of all violations of town ordinances committed within the limits of the city of Shelby.

Violation of town ordinances.

(b) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed in Cleveland County, which are now, or may hereafter be within the jurisdiction of the justices of the peace.

Offenses within jurisdiction of justices of the peace.

(c) Said court, in addition to the jurisdiction conferred in subsections "a" and "b" of this section, shall have final, exclusive, concurrent with the superior court, original jurisdiction as herein-after provided of the following criminal offenses, to wit: carrying concealed weapons; gaming; gambling; keeping gambling places, tables and houses; keeping bawdy houses and disorderly houses; the larceny of and the receiving stolen goods, knowing them to be stolen, when the property stolen does not exceed twenty dollars in value; for failure to list taxes; assault and battery with a

Offenses enumerated.

deadly weapon, or where serious damage is done; fornication and adultery; abandonment; failure to provide adequate support; cruelty to animals; malicious injury to real or personal property; trespassing on land after forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license; selling or giving away spirituous liquors to a minor; selling or giving away cigarettes; attaining advances by a false pretense; disposing of mortgaged property; maintaining nuisances; all crimes against public health, as contained in The Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive and not within the jurisdiction of justices of the peace, all misdemeanors as contained in chapter eighty-one of The Revisal of one thousand nine hundred and five, or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year and which are not within the jurisdiction of justices of the peace; and all crimes which at common law are misdemeanors, wherein the punishment is within the discretion of the court; and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment therefor shall be as now prescribed by law.

Jurisdiction as court of committal.

(d) In any other criminal matter wherein said court has not final jurisdiction, it shall have power and it is hereby fully authorized to hear and bind over to the proper court all persons charged with any crime committed within the county of Cleveland, and to render such judgment in such matters as now provided by law for justices of the peace: *Provided*, that in any case prosecution has been commenced prior to the ratification of this act the court in which said prosecution has been instituted shall have jurisdiction thereof. And any and all such cases heard by the recorder's court established by this act as committing magistrate against any person or persons for any offense whereof said court herein established has not final jurisdiction, in which probable cause of guilt is found, such person or persons so charged shall be bound in bond or recognizance, with sufficient surety, if the crime beailable under the law, to appear at the next term of the superior court of Cleveland County, for the trial of criminal offenses, and in default of such bond or recognizance, such person or persons shall be committed to the common jail of Cleveland County to await trial as aforesaid; if the crime be notailable, then to commit the defendant so charged to the common jail of Cleveland County to await the action of the superior court thereof.

Proviso: prosecutions heretofore commenced.

Criminals sentenced to road work.

(e) Said recorder shall have all the power, jurisdiction and authority now conferred by law upon justices of the peace, or the superior court of Cleveland County to sentence any person convicted in said court of a misdemeanor, for which the punishment

prescribed by law is imprisonment, to be worked in the public roads of said county, or any township of said county, as now provided by law, and the recorder of said court shall issue commitments therefor in the same manner as now provided by law for clerks of the superior courts.

(f) Warrants may be issued by the recorder of said court or by any justice of the peace of Cleveland County, made returnable to said court, for any person or persons charged with commission of any offenses of which the said court has jurisdiction; and any person convicted in said court shall have the right to appeal, as is now provided for appeals from the courts of the justices of the peace to the superior court of Cleveland County, and upon such appeal, the trial in the superior court shall be *de novo*.

(g) Said court shall have jurisdiction to try all actions for the recovery of any penalties imposed by law or this act or by any ordinance of the city of Shelby for any act done within Cleveland County, or said city of Shelby, contrary to the law or said ordinance, and said penalty shall be recovered in the name of the State if not inside of the corporate limits of Shelby, and if inside of said limits in the name of the said city of Shelby.

(h) Said court shall have jurisdiction of any and all criminal offenses, as hereinbefore in this section enumerated which have been committed before the ratification of this act, and of which no court has taken jurisdiction.

(i) Said court shall have final, concurrent, and original jurisdiction in all civil matters arising in said county of Cleveland which are now or may hereafter be given to the justices of the peace, and in addition, shall have final, concurrent, and original jurisdiction with the superior court of all other civil actions arising in said city or county, out of contract, where the sum demanded, exclusive of interest, does not exceed five hundred dollars, and those arising out of tort, where the value of the property or the amount in controversy, does not exceed two hundred dollars, including issuing claim and delivery papers when the amount does not exceed two hundred dollars.

SEC. 7. When, upon affidavit of the defendant, made before entering upon the trial of any cause, before any justice of the peace of Cleveland County, it shall appear proper for said case to be removed for trial to some other justice, as is now provided by law, said cause may be removed for trial to said recorder's court of Cleveland County, at the instant of the defendant.

SEC. 8. That either plaintiff or defendant in actions in said court may demand and have a jury, as provided in courts of the justices of the peace, except the jury shall be twelve in number instead of six in such actions as the justice of the peace do not have final jurisdiction. And the county commissioners shall provide a jury box of Number Six Township for said recorder's court, and the

Warrants.

Right of appeal.

Jurisdiction for recovery of penalties.

Crimes heretofore committed.

Civil jurisdiction.

Removal of causes.

Jury trial.

Jury box.

jurors shall receive the same compensation as now provided in courts of justices of the peace.

Pay of jurors.

Summons in civil action.

SEC. 9. All civil actions shall be commenced in said court by summons issued by the recorder or justices of the peace, in such cases as they would have jurisdiction, made returnable to the said court, and shall be returnable the first Monday after service:

Return day.

Proviso: service.

Pleadings.

*Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff, if the action be one in which the courts of the justices of the peace do not have jurisdiction, shall file a written complaint on the return of such summons. The defendant shall file his written answer or demurrer within three days following the return day of said summons; and the case shall stand for trial on the first Monday after the return day thereof.

Trial day.

Docketing judgments.

All judgments rendered either for the plaintiff or defendant shall be duly docketed in the office of the clerk of the superior court of Cleveland County, and execution shall issue thereon as is now provided by law for executions: *Provided*, either plaintiff or defendant may appeal from any judgment rendered by said court in the same manner as is provided by law for appeals from the courts of the justices of the peace.

Execution.

Proviso: right of appeal.

Costs.

SEC. 10. The costs of serving warrants, subpoenas, summons, and other process issued by said recorder's court shall be the same as now fixed by law, and shall be paid to the officer performing such services. The fees for issuing the warrants, subpoenas, summons and for other process or writ, and for making up the bill of costs shall be the same as now fixed by law for justices of the peace and clerks of the superior courts in similar cases; and every defendant who pleads guilty, or is adjudged guilty, in said court shall be fined and taxed with the costs of the prosecution, as now prescribed by law, and all such costs and fines collected and recovered in said court, except the costs due to the sheriff, constable, police officers, or special deputized officers shall be paid on Monday of each week by the recorder of said court to the treasurer of Cleveland County who shall keep a separate account thereof and report to the board of county commissioners of Cleveland County, on the first Monday of each month, the amount paid him by said recorder. And the said recorder shall file with the said board of commissioners, on the first Monday of each month, an itemized statement of all fines and costs collected by him and paid to the treasurer of the county of Cleveland for the month preceding.

Fees.

Costs and fees to county.

Out of the cost fees so paid to the treasurer of the county shall be paid the salary of said recorder, and the expenses of books, stationery, dockets, files and other such expenses of said court: *Provided*, if said fees are insufficient the difference shall be paid by the treasurer out of the fund known as the salary fund. All fines paid to said treasurer shall be held by him for the purposes now provided by law.

Account and report to treasurer.

Statements of recorder.

Payment of salaries and expenses.

Proviso: deficiency paid by county.

SEC. 11. The warrants, subpoenas, summons and other process issued by said court shall be issued to the sheriff or other lawful officer of Cleveland County, and service thereof shall be lawfully made; when made by the sheriff of the said county, any constable of said county or any police officer of the city of Shelby, or in the absence of such officer by any person specially deputized by the recorder in writing to make service; and said warrant, subpoenas, summons and other process of said court when attested by the seal of said court shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.

Issue and service of process.

SEC. 12. That the same rules and practice as to venue of causes of action cognizable in said recorder's court, civil or criminal, shall apply as is now provided by law for the superior court.

Venue.

SEC. 13. That the same rules of challenge for jurors shall apply to the recorder's court as applies under the present law in the superior court, but that each party to the suit or action shall be entitled to only one-half the number of peremptory challenges as is provided by law in the superior court.

Challenge of jurors.

SEC. 14. The grand jury drawn and selected for the superior court for Cleveland County shall make presentments of all matters it was their duty to present under the general law prior to the creation of the recorder's court of Cleveland County, and it shall be the duty of the clerk of the said court, as soon as practicable thereafter, to issue a warrant upon all such presentments which fall within the jurisdiction of the said recorder's court without any information or evidence to support said warrant other than the presentment of the said grand jury and should the said recorder's court fail to take cognizance of and act upon any crime within its exclusive or concurrent original jurisdiction within six months of the commission thereof all such offenses shall be cognizable in the superior court, and the superior court shall thereafter have concurrent jurisdiction thereof with the said recorder's court.

Presentments of grand jury.

Warrants on presentments.

Jurisdiction of superior court.

SEC. 15. That there shall be taxed as costs in all causes in the said recorder's court a county tax which shall correspond with and be the same and collected under the same rules as the jury tax or costs are collected in the superior court, and that the said costs thus taxed shall be paid to the county as said jury cost or tax are paid in the superior court and applied to the salary fund.

Jury tax.

Application of jury tax.

SEC. 16. That the board of commissioners of Cleveland County may appoint a recorder *pro tem.* of the said court and fix his salary which shall be paid as the recorder's salary is paid and the said recorder *pro tem.* shall have the same qualifications and before entering upon his office shall take the same oath and be subject to the same rules as recorder of said court, and the said recorder *pro tem.* shall preside at all hearings and try all cases in the said recorder's court when the recorder shall be a party to any case or be unable by sickness or otherwise to preside, and the salary of

Recorder pro tem.

Salary.

Duties.

the recorder *pro tem.* shall be paid out of the money due the regular recorder.

Sentences to road work.

SEC. 17. Whenever any person is convicted of any offense of which said court has jurisdiction, and the punishment imposed is a fine or imprisonment, or imprisonment and costs, the recorder shall sentence the prisoner to be worked upon the public roads of Cleveland County and in any township of said county prepared to receive them until such sentence has been complied with, and the recorder of said court shall issue commitment of the defendant in accordance with the judgment of said court. In all cases where there is a conviction and the defendant sentenced to the roads the recorder shall certify to the board of county commissioners at their regular monthly meeting the amount of costs taxed against the county, to whom due and for what purpose, and the same shall be included in the whole and half fees as now provided by law for the superior court and paid in the same manner: *Provided*, said deputy sheriff, constable and other police officers shall receive full fees as provided in the salary act passed by this General Assembly.

Commitments.  
Costs certified to county commissioners.

Proviso: fees of deputy sheriff, constable and police officers.

Records to be kept by recorder.

SEC. 18. It shall be the duty of the recorder of the said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments, by said court imposed by the provisions of this act, and said recorder shall show the name and residence of such offender, the nature of the offense, the date of hearing of trial and punishment imposed, which record at all times shall be open to and subject to inspection of the board of commissioners of the county of Cleveland, and other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court which shall conform to the docket kept by the clerk of the superior court. He shall also provide proper files to properly keep records of all cases disposed of in the said court and what disposition has been made of them.

Records open to inspection.

Permanent dockets.

Files.

Recorder to practice law.

SEC. 19. That the recorder of said court shall not by virtue of his office as recorder be prevented from practicing law in matters in which he is in no way connected by reason of said office, or in other courts of the State in matters which have not been heard or will not be heard by him as recorder of said court: *Provided*, the recorder shall not have jurisdiction of offenses committed within the precinct known as the Kings Mountain precinct in Cleveland County, North Carolina.

Proviso: Kings Mountain precinct excepted from jurisdiction.

Recorder removable for cause.

SEC. 20. The recorder of said court may be removed from office by the board of commissioners of the county of Cleveland, after hearing and proper notice to the officer whose removal is being investigated, upon proof of immorality, incompetency and continued neglect of the duties of his office, and if said officer is removed the said board of commissioners shall elect his successor for the unexpired term.

Election of successor.

County auditor.

SEC. 21. That the recorder of the county of Cleveland shall also be known as the county auditor, who shall perform the duties hereinafter provided without further compensation than that previously allowed in this bill. It shall be the duty of the county auditor to examine the books of all the county officers including the county commissioners and to audit said books monthly; he shall submit to the board of county commissioners on the first Monday of each month a report showing the amount paid into the county treasury by each of the county officers in the manner directed in the bill passed at this session of the General Assembly, entitled "an act to fix the salaries for certain public officers in Cleveland County"; to ascertain and publish quarterly the exact amount of the outstanding indebtedness to whom due and for what purpose; to investigate and inquire for all delinquent taxpayers and to require all delinquent property, including polls to be placed on the tax lists; to act as accountant for the county commissioners in settling with the county officers, including the sheriff with his tax list; to check up the tax receipts of the county when prepared by the register of deeds with the tax list of the county, to ascertain the accuracy of the same and to make needed corrections; to publish quarterly in a newspaper in the county a statement showing the amount received by each county officer including members of the board of county commissioners, members of the highway commission of Number Six Township and the amount paid into the county treasury by the said county officers; to audit the books of the highway commission of Number Six Township and include in his annual published statement in the newspaper published in the county the amount disbursed during the year for all purposes and the amount for road building, together with the number of miles constructed and in what sections of the county said construction has taken place.

Duties of auditor.

SEC. 22. The recorder herein created shall have power to administer oaths, to take acknowledgments to deeds, mortgages and all other instruments which notary publics are now authorized to take acknowledgments for, and to all such acknowledgments so taken when directed outside of the county of Cleveland shall be attested by his seal and all fees collected by reason of the authority herein conferred shall be accounted for and turned over to the county treasurer as provided for the fees of the office of recorder.

Powers of recorder.

SEC. 23. The salary herein provided for shall be paid by the county treasurer to the recorder and auditor upon warrant issued by the county board of commissioners in monthly installments.

Payment of salary.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 24th day of February, 1911.

## CHAPTER 244.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO DEPREDATIONS OF DOMESTIC FOWLS.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section one of chapter five hundred and eight of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding after the word "Burke" in line two, the words "Swain, Davidson, Granville, Caldwell, Macon, Wayne, Lenoir, Onslow and Transylvania."

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

Ratified this the 24th day of February, 1911.

## CHAPTER 245.

AN ACT TO REPEAL CHAPTER NINE HUNDRED AND FORTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

Preamble.

Whereas, acting under the authority of chapter nine hundred and forty-three of the Public Laws of one thousand nine hundred and seven, the board of commissioners of Sampson County have appointed Joseph F. Faison, John B. Moore and John J. Armstrong as fence commissioners of the stock law district in Turkey Township, Sampson County, and whereas, said commissioners, in order to supplement the funds now in the county treasury, credited to said district, have heretofore borrowed from The Bank of Sampson, Clinton, N. C., the sum of one thousand dollars, and have given their personal note for the same, and whereas, said sum of one thousand dollars has been deposited in said bank by said fence commissioners and checked out by them in the payment of bills incurred under the provisions of this act, and whereas, a large majority of the electors in said stock law territory have requested by petition that said act be repealed, now therefore,

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter nine hundred and forty-three of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed.

Sale of material.

SEC. 2. That Joseph F. Faison, John B. Moore and John J. Armstrong, fence commissioners appointed under the provisions of said

act, be and they are hereby directed to sell all of the wire and other material, purchased by them, at private sale within thirty days after the ratification of this act, at not less than actual cost; and if such sale can not be made, then they are directed to sell the same at public auction in the village of Turkey, after advertisement for thirty days in some newspaper published in Sampson County, and also at the post-office door in Turkey, N. C.

SEC. 3. With the money derived from said sale said commissioners are hereby directed to pay off and satisfy the note made by them to The Bank of Sampson, in so far as the same will satisfy said note; and they shall then make a written report to the board of commissioners of Sampson County, showing all receipts and disbursements had and made by them, including a full report of said sale, hereinbefore ordered; and said board of commissioners shall thereupon direct the treasurer of Sampson County to pay any deficiency that may appear by said report, out of the funds now in his hands, derived from taxes levied under the provisions of said act of one thousand nine hundred and seven, so that said note shall be finally paid off and discharged. If, after the payment of said note in full, there still remain any funds in the treasury to the credit of said district, the same shall be turned over to the road fund, to be used upon the roads within said stock law district.

Proceeds applied to payment of debt.

Report of commissioners.

Payment of deficiency.

Surplus to road fund.

SEC. 4. The Secretary of State shall immediately certify a copy of this act to Joseph F. Faison, Turkey, N. C.

Certified copy.

SEC. 5. This act shall take immediate effect.

Ratified this the 25th day of February, 1911.

#### CHAPTER 246.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED AN ACT TO FIX SALARIES FOR PUBLIC OFFICERS AND CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN DURHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of chapter five hundred and three of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out the words "one thousand and two hundred dollars" and inserting in lieu thereof the words "one thousand and four hundred dollars."

Salary of office deputy sheriff.

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

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

Ratified this the 25th day of February, 1911.

## CHAPTER 247.

## AN ACT TO INCREASE THE FEES OF THE JAILER OF JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

- Rate of increase. SECTION 1. That section two thousand seven hundred and ninety-nine of The Revisal of one thousand nine hundred and five be amended by striking out the word "fifty" in line seven and substituting the words "one hundred" in lieu thereof.
- Application of act. SEC. 2. That this act shall apply only to the county of Jackson.
- SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this the 25th day of February, 1911.

## CHAPTER 248.

## AN ACT TO IMPROVE CERTAIN ROADS IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

- Purpose of tax. SECTION 1. That for the purpose of grading and macadamizing a public road or highway from the town of Sylva in Sylva Township, Jackson County, to the township line between Sylva and Webster townships in said county, near C. C. Love's residence, the board of commissioners of Jackson County are hereby authorized and shall on the first Monday in June of each, the years one thousand nine hundred and eleven, one thousand nine hundred and twelve, one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, levy a special tax on the property and polls in Sylva Township, Jackson County, of not exceeding twenty cents on the one hundred dollars worth of property and sixty cents on the poll, maintaining the constitution equation, which taxes shall be levied and collected as State and county taxes.
- Special tax authorized.
- Rate.
- Constitutional equation.
- Purpose of tax. SEC. 2. That for the purpose of grading and macadamizing a public road or highway from the line between Sylva and Webster townships, in said county of Jackson, at a point near C. C. Love's residence, through Webster Township by way of Love's chapel to the line between Webster and Cullowhee townships, in said county, the board of commissioners of Jackson County are hereby authorized and shall on the first Monday in June of each, the years one thousand nine hundred and eleven, one thousand nine hundred and twelve, one thousand nine hundred and thirteen and one
- Special tax authorized.

thousand nine hundred and fourteen, levy a special tax on the property and polls in said county of Jackson, of not exceeding twenty cents on the one hundred dollars worth of property and sixty cents on the poll, maintaining the constitutional equation between property and poll, which taxes shall be levied and collected as other county and State taxes. Rate.  
Constitutional equation.

SEC. 3. That for the purpose of grading and macadamizing a public road or highway in Webster Township, in said county of Jackson, beginning at the court-house in the town of Webster and extending by way of the county farm to intersect with the road mentioned in section two at a point in 'C. C. Love's field, the board of commissioners of Jackson County are hereby authorized and shall on the first Monday in June of each, the years one thousand nine hundred and eleven, 'one thousand nine hundred and twelve, one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, levy a special tax on the property and polls in Webster Township of not exceeding fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on the poll, maintaining the constitutional equation between property and poll, which taxes shall be levied and collected as State and county taxes. Purpose of tax.  
Special tax authorized.  
Rate.  
Constitutional equation.

SEC. 4. That for the purpose of grading and macadamizing an extension or extensions to the road mentioned in section two, the board of commissioners of Jackson County are hereby authorized and shall on the first Monday in June of each the years one thousand nine hundred and eleven, one thousand 'nine hundred and twelve, one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, levy a special tax on the property and polls in Cullowhee Township in said county of not exceeding fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on the poll, maintaining the constitutional equation between property and poll, which taxes shall be levied and collected as State and county taxes. Purpose of tax.  
Special tax authorized.  
Rate.  
Constitutional equation

SEC. 5. That for the purpose of laying off said respective roads, making specifications, letting contract for construction, supervising the construction of same, receiving same upon completion and doing such other and further acts and things as may be necessary for fully and effectively carrying into effect the intentions and purpose hereof, the following special commissions are appointed, to wit: For the road mentioned in section one, B. H. Cathey, Dr. A. S. Nichols and M. Buchanan; For the road mentioned in section two, M. Buchanan, B. H. Cathey and Lee Hooper; For the road mentioned in section three, J. W. Davis, O. B. Coward and F. E. Alley; For the road mentioned in section four, Lee Hooper, W. D. Wike and T. A. Cox. Special road commissions.

That in event of vacancies on any of the above commissions from resignation, death, removal, failure to act, or otherwise, it shall Vacancies.

be the duty of the board of commissioners for said county to appoint successor or successors.

Powers of commissions.

That the said commissions may, if need be, have power to contract for and buy such machineries, tools, and appliances as may be necessary, and may when they think best act together in this respect.

Power of entrance on lands.

SEC. 6. That said respective commissions, for the purpose of laying off, locating fixing specifications, letting contracts, and building or having built and constructed their respective sections of said road, shall have the right to enter in and upon the lands of any person or persons, and lay off their respective roads mentioned above, fix the width or widths, the amount of ground needed for road bed, excavations, drainage, proper construction, maintenance, etc., and assess to each owner the damages, if any, which damages, if any, shall be paid out of the taxes authorized aforesaid for the respective road; that after so laying off such road and assessing the damages the possession of said road until completion shall for the purpose hereof be in the said special commission for all the uses and purposes hereof; that the only appeal from the said commission or commissions shall be as to the amount; that if

Assessment and payment of damages.

any owner of land, or person having an interest or estate therein desires to appeal from the findings of the commission as to the amount of damages allowed to him or them, he or they may appeal to the board of commissioners of said county and from their order in the premises to the superior court of said county upon giving, within ten days after notice of the amount of damages allowed, a written notice of such desire to appeal to the commission laying off the road, stating the length and width of the proposed road over his land, and where it passes through his land, the amount of damages allowed, the amount of damages claimed, and any special or particular injury done or which would result therefrom, which notice shall be headed by the owner as plaintiff against such commission as defendant, an exact copy of which notice shall be filed within ten days, as aforesaid, with the register of deeds for said county, accompanied by an undertaking for the payment of costs, executed to the said defendant, special commissioners, justified and approved by the said register or clerk of the court of said county, in the sum of two hundred dollars, but never less than double the amount of damages claimed.

Appeal.

Right of appeal.

Employment of surveyors and road experts.

That any of said commissioners shall have the power to employ surveyor, engineers, and road experts as in their judgment they may need.

Taxes not levied if bonds issued.

SEC. 7. That if under any general law authorizing townships to issue bonds for the construction of roads, either of the townships mentioned in section one, three or four shall vote, issue, and sell bonds, on or by the first Monday in June of any of said years, for the purpose and in amount sufficient to build its part of the afore-

said roads, then and in such event the board of commissioners shall not levy for such townships any further taxes hereunder; but such action shall not prevent the levy provided for under section two, unless the county should under general statute vote, issue, and sell bonds for the purpose and in amount sufficient for the purposes in said section two, in which event the commissioners shall not levy further tax under said section two.

SEC. 8. That the townships mentioned in section one, two and four of this act are each hereby specially incorporated by their present metes and bounds for the purpose of voting and issuing bonds in the said respective townships, or either of them, under any general law applying to the State or which may hereafter be enacted applying to the State and authorizing the issue of bonds by townships for the building, constructing or maintaining or roads or highways or under any special act applying to either authorizing the building of roads or highways. Special incorporation.

SEC. 9. That each and every township in Jackson County is hereby specially incorporated by its present metes and bounds for the purpose of voting and issuing bonds to obtain money for the construction and maintenance of public roads and highways in any such township under any general law of the State authorizing townships to vote and issue bonds for such purpose. Townships specially incorporated.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 249.

#### AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, CONCERNING THE STOCK LAW OF WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That so much of the stock law territory created in consequence of chapter four hundred and fifty, Public Laws one thousand nine hundred and one, as includes a small strip of land in Johnston County, be and the same is hereby declared valid and subject to all the provisions of said act, to the same extent and purposes expressed therein. Law extended.

SEC. 2. That said strip of territory situate in Johnston County within the diverted line of the Wayne County stock law, including and embracing the lands of D. E. McKinne, W. C. Massey, S. J. Baker and others, in Boon Hill township, containing in all about six hundred acres of land, shall be subject to taxation and assessment as other real estate and improvements for stock law pur- Assessments on territory.

poses, and to that end the board of commissioners of Johnston County are hereby authorized and empowered to lay and collect an annual assessment upon all property within said strip of territory subject by law to taxation for stock law purposes, to be collected when other stock law funds are collected, and expended under the provisions of law for the upkeep and maintenance of so much of said stock law fence and gates as lie wholly within the county of Johnston.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 250.

#### AN ACT FOR THE RELIEF OF S. L. HAYWORTH, EX-SHERIFF OF RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

Collection of taxes authorized.

SECTION 1. That S. L. Hayworth, ex-sheriff of Randolph County be and he is hereby authorized and empowered to collect all taxes which he may have failed to collect and which were due for the years one thousand nine hundred and seven, one thousand nine hundred and eight, one thousand nine hundred and nine and one thousand nine hundred and ten, under the same rules and regulations now provided by law or may hereafter be provided by law for the collection of taxes.

Years.

Termination of power.

SEC. 2. That the power and authority herein conferred shall cease and determine on the thirty-first day of December, one thousand nine hundred and twelve.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 251.

#### AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE COMPENSATION OF THE COMMISSIONERS OF ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

Per diem.

SECTION 1. That section two thousand seven hundred and eighty-five of The Revisal of one thousand nine hundred and five of North

Carolina be and the same is hereby amended by adding at the end of said section the following: "In Ashe County each county commissioner shall receive for his services in attending the meetings of the board three (\$3.00) dollars per day, and mileage to and from the place of meeting of said board not to exceed five (5) cents Mileage. per mile each way, and such sums for extra services, including Extra services. called meetings of said board, as a majority of the said board may determine, in no case to exceed three (\$3.00) per day and mileage."

SEC. 2. That this act shall apply only to the county of Ashe.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 252.

AN ACT TO PAY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY A SALARY OF TWO HUNDRED DOLLARS PER YEAR IN ADDITION TO HIS REGULAR PER DIEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the chairman of the board of county commis- Salary. sioners of Transylvania County shall be paid for his services in addition to his regular per diem, the sum of two hundred dollars per year.

SEC. 2. That this act shall apply to the chairman of the present Application of board of commissioners and be in full force and effect from and act. after its ratification.

Ratified this the 25th day of February, 1911.

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#### CHAPTER 253.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF ORANGE COUNTY TO ISSUE BONDS TO IMPROVE THE COURT-HOUSE AND BUILD A NEW JAIL, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Orange County Construction of concrete walk authorized. is authorized, instructed and directed to have a concrete walk constructed to the north from said court-house and to the same level as the brick floor of the porch, and at least ten feet wide extending out to a walk of same width, which shall be run east and west on a line with the sidewalk on south side of King street in the

Court-house yard extended.	town of Hillsboro in front of store of S. E. Cole, and the court-house yard is extended out to the said sidewalk running east and west.
Extension of court-house.	SEC. 2. That the said board of commissioners is authorized and empowered to have the court-house extended twenty-five feet to the south, of the same width as now, so as to allow two additional rooms on first floor, and three on second floor, two of which shall be for jury rooms, and the middle one behind the judge's seat for the use of judge and bar, and the basement rooms under the first floor shall be provided with closets and urinals for decent accommodation of persons attending court and for use of officers in the court-house.
Closets and urinals.	
New jail authorized.	SEC. 3. That the board of commissioners are also authorized when they deem necessary to erect a new jail south of the court-house, and said jail shall be supplied with modern conveniences, so as to be sanitary in all respects and safe for the keeping of prisoners in comfort and with due regard for their health, and may provide for the heating of both court-house and jail from furnace.
Heating court-house and jail.	
Bond issue authorized.	SEC. 4. That for the purpose of making the improvements and repairs ordered in this act, the board of commissioners of Orange County are authorized and if they find necessary to issue the bonds of said county in the sum of ten thousand dollars, with coupons attached for the payment of interest semi-annually; said bonds being dated either January, April, July or October of one thousand nine hundred and eleven or one thousand nine hundred and twelve, and also to employ an architect to furnish plans and specifications for all the work to be done on court-house, and for building a modern jail with estimates of the cost thereof.
Amount.	
Date of bonds.	
Employment of architect.	
Denominations.	SEC. 5. The board of commissioners of said county may have bonds prepared to the denomination of one thousand dollars, five hundred dollars or one hundred dollars as they shall deem best, the total amount being that provided in section four of this act. The said bonds shall bear a rate of interest not exceeding five per cent, with coupons attached payable semi-annually during the terms the bonds shall run, with the principal payable either ten, twenty, thirty or forty years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Orange County in the town of Hillsboro, North Carolina. Both bonds and coupons shall be numbered consecutively, beginning with such number as the board shall direct, if other bonds of the county are issued, and both bonds and coupons shall be signed by the chairman of said board of commissioners and countersigned by the clerk, and such bond shall be authenticated by the seal of the county, and they shall be styled "Orange County Court-house Bonds" or "Orange County Court-house and Jail Bonds" if issued for both purposes.
Interest.	
Maturity.	
Bonds numbered.	
Authentication.	
Style of bonds.	

SEC. 6. Immediately upon the preparation and signing of said bonds, if it shall be deemed necessary to issue them, the board of commissioners of said county shall advertise for sale of said bonds in such quantities and at such times as they shall deem best for the purpose of raising a fund to carry out the requirements of this act, the expense and cost of advertising and selling said bonds and other necessary expenses in regard thereto to be paid out of the fund arising from the sale thereof. Before delivery of any of the bonds sold by the provisions of this section and under this act, the purchaser shall apply to the custodian of the seal of Orange County, whose duty it shall be to affix the county seal to the bonds so sold, and no bonds shall be of any value until said seal is so affixed. Said bonds shall not be sold or disposed of in any way for less than their full value, nor shall they or their proceeds be used for any other purposes than those declared by this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of the fund. The said bonds and coupons shall state on their face when they are due and where payable, and the bonds shall show by what authority they are issued.

Advertisement and sale of bonds.

Sealing of bonds.

Bonds not to be sold below par. Specific appropriation of proceeds.

SEC. 7. When any of said bonds provided by this act are sold, the proceeds of the sale shall be turned over to the treasurer of the county, who shall keep said fund separate from all other funds and keep separate accounts of the same. Said treasurer shall annually, before any fund provided for by this act is paid over to him, if required by the board of commissioners, execute an additional official bond, payable to the county of Orange in the usual form, and in the penal sum required, conditioned for the faithful safe-keeping of the said fund, and in all things holding, disbursing and accounting for the same as required by law, which bond shall be passed on and received if satisfactory to the board of county commissioners. All orders directed to the treasurer for the payment of money under this act shall state on their face that they are orders for disbursement of funds for improvement of court-house or building of jail, and to what account they are chargeable, and they shall be signed by the chairman and clerk of said board of county commissioners.

Funds kept separate.

Additional bond of treasurer.

Orders on treasurer.

SEC. 8. The board of county commissioners may levy annually on the first Monday in June, if found to be necessary and as long as may be required, a separate tax for the county of at least five cents on the hundred dollars worth of property the subjects of taxation and the levying of taxes to be the same as those on which the board of commissioners now or hereafter may be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes and the same shall be a separate fund to be applied to interest on the bonds herein provided for, and to the creation of a sinking fund for the redemption of said bonds. The

Special tax.

Tax rate.

Separate fund.

Sinking fund.

sinking fund shall be held by said board of commissioners on a special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose.

Investment of sinking fund.

SEC. 9. The board of county commissioners shall manage and invest the fund at their discretion, until paid out for the redemption of the bonds in the manner set out in this act: *Provided, however,* the said board may, in their discretion, use any part of said fund for the purchase in open market of any of the bonds issued under the provisions of this act.

Proviso: purchase of bonds.

Itemized statements to be posted.

SEC. 10. The treasurer of Orange County shall at least every three months post at the court-house door of said county an itemized statement showing in full an account of receipts and disbursements of said fund for the previous quarter.

Audits and settlements.

SEC. 11. The board of commissioners shall audit the account 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 may institute and prosecute any action necessary for the recovery of such taxes, in case an officer fails to account for the same.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1911.

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#### CHAPTER 254.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED, "AN ACT TO REGULATE THE PAY OF THE BOARD OF EDUCATION OF DURHAM COUNTY."

*The General Assembly of North Carolina do enact:*

Time of service.

SECTION 1. That section one of chapter five hundred and forty-five of the Public Laws of one thousand nine hundred and nine be amended by striking out the word "thirty" in line six of said section and inserting in lieu thereof the word "fifty."

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 this the 25th day of February, 1911.

**CHAPTER 255.**

**AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WARREN COUNTY TO LEVY A SPECIAL TAX.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying off the balance due on the county court-house, the county commissioners of Warren County are hereby authorized and empowered to levy and assess each year at the time county taxes are levied and assessed, upon all the taxable property both real and personal of every kind and description, and upon all taxable polls under this act, not more than five cents upon the one hundred dollars valuation of property, and fifteen cents upon each poll, until such debt has been paid.

Purpose of tax.  
Special tax authorized.

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

Ratified this the 25th day of February, 1911.

**CHAPTER 256.**

**AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SEVENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE BY STRIKING TRANSYLVANIA COUNTY FROM SAID CHAPTER.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and seventy-five of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking the word "Transylvania" from said chapter wherever it occurs.

County stricken out.

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

Ratified this the 25th day of February, 1911.

**CHAPTER 257.**

**AN ACT TO PROTECT SHEEP AND OTHER STOCK FROM DOGS IN THE COUNTY OF HENDERSON.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all dogs in the county of Henderson shall be listed for taxation and assessed as follows: On all male dogs and all spayed female dogs one dollar per head, and one dollar and

Dogs to be listed and assessed.  
Assessment.

fifty cents per head on all unpaid female dogs; and the said sums so assessed shall be collected and accounted for by the county tax collector as county levies are by law directed to be collected and accounted for, and the county treasurer shall keep a separate account of the funds arising from said tax.

Appropriation of dog tax.

That said fund shall be, and the same is hereby appropriated for remunerating the inhabitants for any loss they may sustain from dogs killing or crippling their sheep, lambs, or any other stock; and for the paying for the expenses necessary to carry this act into effect; and any balance remaining on hand for any year shall be appropriated to the county school fund, and be disbursed in accordance with the laws governing the disposition of such funds.

Lists of dogs.

SEC. 2. That it shall be the duty of the tax listers to take annually, at the time of listing the taxable property, a list of all dogs over three months old, showing whether male or female, with the name or owner or person in whose possession the same is found, upon the oath or affirmation of the owner as to the number of dogs such person may own or have, and the said tax listers shall return such lists of dogs at the time when they return their lists of taxable property. The tax listers shall be liable to a fine or forfeiture of fifty cents for every willful or negligent failure to list any dog.

Forfeit for failure to take list.

Apportionment of fund.

SEC. 3. That if it be found that the fund arising from this act for any year shall be insufficient to pay the whole amount of damages inflicted by dogs on the owners of sheep, lambs, or other stock property, each sufferer shall be paid out of said fund in proportion to the loss sustained.

Application for damages.

SEC. 4. That it shall be the duty of the board of commissioners to hear the application of the owner of sheep, lambs, or other stock, or his agent, which have been killed or wounded by dogs (not his own) after the passage of this act. The said owner or his agent shall file in writing under oath, a full description of the sheep, lambs, or stock so killed or wounded, their real and their assessed value, and all the facts as to how, when, and where they were killed or wounded, and the owner or agent shall produce such additional proof before the said board of commissioners as they may require to satisfy them of the justice of the claim. Upon such proof the board of commissioners shall enter upon their books an allowance of said damages, and in no case to exceed the assessed value of such sheep, lambs, or stock; and when said sheep, lambs, or other stock were not in the possession of said owner at the time of the assessment, the damages shall be the assessed value of sheep, lambs, and other stock of like grade and quality in the community.

Allowance of damages.

Orders for payment.

SEC. 5. That all payments made by the treasurer out of funds created by this act shall be on the order of the board of commissioners of the county.

SEC. 6. That the county treasurer shall semi-annually, make a statement to said board of commissioners of the receipts and disbursements of this fund, and said board of commissioners shall then order the payment of the damages allowed by them, or such part thereof as they may be able to pay out of said fund.

Semi-annual statements.

SEC. 7. That all dogs in this county which have been assessed with a license tax pursuant to this act, and upon which the said license is not delinquent, shall be deemed personal property, and may be the subject of larceny.

Dogs subjects of larceny.

SEC. 8. That the board of commissioners are hereby empowered and authorized to pay out of the special tax fund as set out in section one of this act, one dollar for the pelt of every wild cat, when accompanied by proper proof that the said wild cat was killed in the county of Henderson.

Bounty on wild cats.

SEC. 9. That this act shall apply only to the county of Henderson.

Application of act.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 258.

AN ACT TO PREVENT STOCK RUNNING AT LARGE IN CRANBERRY TOWNSHIP, AND IN ALL THAT PORTION OF LINVILLE TOWNSHIP, MITCHELL COUNTY, WHICH IS NOT AT PRESENT UNDER THE STOCK LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to allow any live stock to run at large in Cranberry Township, and in all that portion of Linville Township, Mitchell County, which is not at present under the stock law.

Unlawful to permit live stock to run at large.

SEC. 2. That any person willfully violating this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not exceeding five dollars for each offense.

Misdemeanor. Punishment.

SEC. 3. That any live stock running at large within said township may be impounded as provided in section one thousand six hundred and seventy-nine, chapter thirty-five of The Revisal of one thousand nine hundred and five.

Impounding stock.

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 this the 25th day of February, 1911.

## CHAPTER 259.

AN ACT TO PROHIBIT THE SHOOTING OF FIRE CRACKERS  
OR DISCHARGING FIREWORKS WITHIN A RADIUS OF  
ONE MILE OF THE POST-OFFICE AT HAW RIVER, N. C.*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful for any person or persons to shoot or discharge any fire cracker or fireworks of any kind within a radius of one mile of the post-office at Haw River, North Carolina; and any person or persons so offending shall be guilty of a misdemeanor and shall be fined not more than twenty dollars (\$20) or imprisoned not more than ten days.

Misdemeanor.

Punishment.

Permission.

SEC. 2. That permission to shoot or discharge fire crackers or fireworks may be granted, upon the fourth of July or other public holidays, by two (2) justices of the peace residing in said territory: *Provided*, said permission shall be in writing and signed by said justices of the peace.

Proviso: permit  
in writing.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 260.

AN ACT TO PROVIDE FOR COMPULSORY SCHOOL ATTEND-  
ANCE IN TRANSYLVANIA COUNTY.*The General Assembly of North Carolina do enact:*Parents or persons  
in charge to enforce  
attendance.

SECTION 1. That every parent or person having charge and control of a child between the ages of eight and seventeen years, shall, except as hereinafter provided, cause such child to attend the public school in the district where such parent or person resides during the period of each year the public school in the district is in session, unless such parent or person shall show that the child is being regularly instructed in the elementary branches of knowledge in some other school, or at home, by some person capable of giving such instruction.

Misdemeanor.

Punishment first  
offense.Subsequent  
offenses.

Excuses.

SEC. 2. Any person violating the provision of the preceding section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars and not more than fifteen dollars for the first offense; and for each subsequent offense he shall be fined not less than ten dollars and not more than twenty-five dollars.

SEC. 3. Any such parent or person having charge and control of such child shall be excused from the penalties imposed by this act in the following cases:

(a) When it shall be shown to the satisfaction of the county board of education and the school committee of the district in which such child lives, that the physical or mental condition of the child renders school attendance by such child inexpedient or impracticable.

Physical and mental condition of child.

(b) When it shall be shown to the satisfaction of the county board of education and the school committee in the district in which such child lives that the child is of the age of fifteen years, or over, is able to read and write any section of the constitution of North Carolina, is lawfully employed at labor at home or elsewhere, and that such child's labor is necessary for the support of himself or those dependent upon him.

Children over 15 years old able to read and write and employed.

(c) When such child shall have received a certificate of graduation from the county elementary schools, or a certificate of admission into one of the county high schools.

Graduate of elementary or pupil of high schools.

(d) When such child shall be prevented from attending school temporarily by sickness, storm, flood or other unavoidable causes.

Temporary causes.

SEC. 4. If any parent or person having charge of a child between the ages of eight and fifteen years who is required, under section one to attend the public schools, and is not excused under section three hereof, shall be unable to provide such child with school books, food and suitable clothing, upon such parent or person making statement of these facts, on oath, in writing, to the school committee of the district in which such child lives, the said committee shall fully investigate such statement, and if said statement is found to be correct, shall make report of their investigations to the county board of education, who shall cause such child to be supplied with books. The board of education shall report the facts of the above-named investigations to the board of county commissioners, whereupon the said board of commissioners shall cause such child to be supplied with necessary food and suitable clothing.

School books supplied.

Food and clothing supplied.

SEC. 5. The person taking the school census of any district shall obtain the information as to the age of each child in the district from the parent or person having control of such child, and the written report, sworn to by the census taker, shall be *prima facie* evidence in any court of the age of each child therein enumerated. Every parent or person having control of a child, who shall make any false statement concerning the age of such child, with the intent to deceive the census taker or the teacher of any school, shall be guilty of a misdemeanor and fined not more than twenty-five dollars.

School census *prima facie* evidence of age.

False statement a misdemeanor.

Punishment.

SEC. 6. At the end of each school month of the public school, the teacher or principal of such school shall make a report to the county superintendent of schools, showing the names of the children between the ages of eight and seventeen years who had attended such school, and the number of days each child attended. Such statement shall be sworn to by the teacher or principal and shall be *prima facie* evidence in any court both as to the facts stated therein and that any child not enumerated therein did not attend such school, during the preceding month.

Sworn reports of attendance.

Reports *prima facie* evidence of facts stated.

List of absences  
furnished sheriff.

SEC. 7. It shall be the duty of the county superintendent of schools to furnish at the beginning of each school month, to the sheriff or some other lawful officer of the county, a list of the children who did not, during the preceding school month, attend school as required by law, and upon such information it shall be the duty of said sheriff or officer, upon an affidavit of one of the school committeemen or some other reputable person that any parent or person has violated the provisions of this act, to cause the offending person to be prosecuted before some justice of the peace of the township in which such offending person resides.

Sheriff to prosecute delinquents.

Election on enforcement of law.

SEC. 8. The county board of education shall order compulsory attendance upon any school or schools in any school district or township after an election as provided for in section one of the compulsory attendance law of the State enacted by the General Assembly of North Carolina, in A. D. one thousand nine hundred and seven, and when so ordered by the said board of education the provisions of this act shall be in full force and effect in the territory described and for the school or schools named, but this act shall not apply to any school or the penalties herein prescribed be enforced except upon the order of the county board of education, as herein provided.

Application of act.

SEC. 9. This act shall apply only to Transylvania County.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1911.

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## CHAPTER 261.

### AN ACT FOR THE RELIEF OF EX-SHERIFF W. C. MILLS, OF ONSLOW COUNTY.

*The General Assembly of North Carolina do enact:*

Collection of  
arrears authorized.

SECTION 1. That W. C. Mills, former sheriff of Onslow County, be and he is hereby authorized and empowered to collect all taxes which he may have failed to collect and which were due for the years one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven and one thousand nine hundred and eight, under the same rules and regulations that are now provided by law for the collection of taxes in Onslow County.

Years.

Persons not compelled to pay.

SEC. 2. That no person shall be compelled to pay any tax under this act who holds the sheriff's tax receipt for said tax or who shall make affidavit that said tax has been paid, nor shall any purchaser for value, *cestui que trust*, or mortgagee without notice of such

arrears of taxes due on lands, be compelled to pay any arrears of taxes under this act.

SEC. 3. That the power and authority herein conferred shall cease and determine on the thirty-first day of December, one thousand nine hundred and twelve. Termination of power.

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

Ratified this the 25th day of February, 1911.

#### CHAPTER 262.

AN ACT FOR THE RELIEF OF CHARLES P. MATHESON, EX-SHERIFF OF ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Charles P. Matheson, ex-sheriff of Alexander County, and in case of his death, his personal representative, is hereby empowered and authorized to collect arrears of taxes for one thousand nine hundred and three and one thousand nine hundred and four, the years he was sheriff of said county, under such rules and regulations as are now or may hereafter be provided by law: *Provided*, that the authority herein given shall cease and determine on December thirty-first, one thousand nine hundred and eleven: *Provided, further*, that the said sheriff or his agents or representatives, shall have no power to sell lands owned by innocent purchasers for value and in good faith of lands in which mortgages or *cestui que trust* have an interest, having acquired such interest in good faith and for value: *Provided, further*, that the said sheriff, his agents or representatives, shall have no power to collect in any manner any tax for either of said years from any person who shall make affidavit that said tax has been paid. Collection of arrears authorized.

*Proviso: sale of land.*

*Proviso: persons not compelled to pay.*

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

Ratified this the 25th day of February, 1911.

#### CHAPTER 263.

AN ACT FOR THE ESTABLISHMENT OF SEPARATE SCHOOLS FOR THE CROATAN INDIANS IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand one hundred and sixty-eight of The Revisal of one thousand nine hundred and five be Law extended.

amended by inserting after the word "Robeson" and before the word "and," in line one thereof, the word "Sampson."

Law extended.

SEC. 2. That section four thousand one hundred and sixty-nine of The Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting after the word "Robeson" and before the word "and," in line ten, the word "Sampson."

Law extended.

SEC. 3. That section four thousand one hundred and seventy-one of The Revisal of one thousand nine hundred and five be amended by inserting after the word "Robeson" and before the word "and," in line six, the word "Sampson."

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 264.

AN ACT TO AMEND SECTION TWO THOUSAND EIGHT HUNDRED AND TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO PAY OF THE COUNTY SURVEYOR OF MITCHELL COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section two thousand eight hundred and two of The Revisal of one thousand nine hundred and five be amended by inserting between the words "Rowan" and "and," in line twenty-six of said section, the word "Mitchell."

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 265.

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND SEVENTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE STOCK LAW IN HOGBACK TOWNSHIP, TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section one thousand six hundred and seventy-five of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the word "and" in the last line of said section, and after the word "Randolph," add "and Hogback Township, in Transylvania County."

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

Ratified this the 25th day of February, 1911.

## CHAPTER 266.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-SIX OF PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, RELATIVE TO PUBLIC ROADS OF WATAUGA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and eighty-six of Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by adding at the end of section twenty-eight these words: "Provided the same penalty provided in section six of this chapter for failure to work roads shall apply to failures to work new roads as provided in this chapter." Proviso: failure to work new roads.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 25th day of February, 1911.

## CHAPTER 267.

AN ACT TO REQUIRE ADDITIONAL SERVICES OF THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the chairman of the board of commissioners of Harnett County to audit all claims and accounts, the same to be filed at least three days before the regular meetings of said board, and to note on said claims and accounts his findings of facts and recommendations. Audit of claims and accounts.

SEC. 2. That he shall examine into all petitions for bridges, roads, etc., and report his findings and recommendations. Petitions for bridges and roads.

SEC. 3. That he shall personally inspect, at least once in each three months, all buildings, steel bridges, road machinery, live stock or other valuable property being property of said county, and report, in writing to said board, his findings of facts and recommendations. Inspection of property.

SEC. 4. That he shall carefully examine the tax returns of the several townships in connection with such information as he may be able to secure from various county records and otherwise, and report to said board his finding of facts and recommendations, to the end that any property now escaping taxation or bearing an inequitable proportion of taxation may be properly taxed. Examination of tax returns.

SEC. 5. That he shall require in writing as often as once in every two months, on blanks to be furnished by said board, from the overseers in said county as to work done on their roads and the con- Report and recommendations.

Duty in regard to work on roads.

Proviso: road  
duty.

Forfeit for failure  
of road overseer to  
report.

Salary of  
chairman.

dition of same; and to issue orders to said overseers, from time to time, in his discretion, requiring said overseers to warn hands and work sections of road under supervision of said overseers: *Provided*, this shall not be construed to change the number of days work on roads now required by law. Any road overseer who shall, for the space of ten days, fail or refuse to obey the said order of said chairman, shall forfeit for every such offense a penalty of ten dollars.

SEC. 6. That the said chairman of the board of commissioners shall be allowed a salary of three hundred dollars per annum, payable in equal monthly installments and actual traveling expenses, for said extra services, and in lieu of per diem and mileage now allowed by law.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 268.

#### AN ACT TO DRAIN THE LOWLANDS OF CROWDER'S CREEK AND ITS TRIBUTARIES, IN GASTON COUNTY.

Preamble.

Whereas, there are many acres of land on Crowder's Creek and its tributaries, in Gaston County, that have been and are now and are liable to be greatly damaged and diminished by reason of the shallow and narrow channel of said creek and the filling of same, that by reason of the limited and sluggish flow of said creek and the

Preamble.

improper drainage; and, whereas, by reason of the same, the bottom lands overflow and become wet and soggy, the formation of cesspools and the injured condition of the soil, the health of the community has been greatly injured and much sickness caused thereby; and,

Preamble.

whereas, a conservative assessment upon the acreage to be benefited would make a fund sufficient, if wisely and judiciously expended, to lower the channel and bed of said stream, by excavation, the widening and changing the creek, and removing the obstruction, giving said creek a better fall and outlet for the water, would thereby greatly remedy and improve the condition of the land, dry and reclaim the wet and overflowed land, making same productive to cultivation, increase its value, and more especially improve the sanitary condition and health of the public and community in general; and, whereas, it is impracticable to do this much needed work without legislative aid, whereby there can be concentrated effort

Preamble.

equally and mutually beneficial to all the owners; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That a commission of five men, to wit: Tom Sparrow, Commissioners named.  
 W. A. Falls, Jr., J. F. McCarver, J. Ed. Crawford, S. W. Bradley,  
 of Gaston County, North Carolina, and their successors in office, be  
 and are hereby appointed and constituted a commission for the pur-  
 pose of carrying out the work suggested in the preamble of this act,  
 to be known as the Crowder's Creek Drainage Commission of Gaston Corporate name.  
 County, North Carolina, and in that name they shall be a corpora- Incorporation.  
 tion, with power to have a corporate seal, sue and be sued, contract Corporate powers.  
 and be contracted with, and generally to do whatever may be neces-  
 sary to be done in order to make effectual the drainage of Crow-  
 der's Creek in Gaston County, North Carolina, between the Pisgah  
 and Bessemer City road and the South Carolina line at Riddle's  
 mill in Gaston County, which said power and authority shall em-  
 brace the right to purchase all necessary machinery, dredging ma- Purchase of  
 chinery, tools, appliances and other material to carry out said work, tools and  
 and to issue the note or bond of the obligation of said corporation machinery.  
 in an amount not exceeding fifteen thousand dollars, payable in an Power to make  
 amount to be fixed by said commission at stated intervals, not debt.  
 exceeding fifteen years, to be fixed by said corporation or commis-  
 sion; and said commission or corporation shall be possessed of all  
 such powers as are usually granted and pertain to corporations.

SEC. 2. Said commission shall meet and organize as soon as prac- Meeting for  
 ticable, and at the first meeting shall elect one of their number organization.  
 chairman, another vice-chairman and another secretary, and may Organization.  
 elect an outsider treasurer or may consolidate the office of secretary  
 and treasurer, and in that event elect one of their number secretary  
 and treasurer, and shall direct the secretary to procure the neces-  
 sary books upon which to keep a perfect record of all dealings and  
 transactions of said commission or corporation, and shall have the  
 authority and right at any time to employ a superintendent or  
 overseer and hands to do said work and fix their compensation and Employment of  
 date of payment, and to execute the obligations or notes of said cor- overseer and hands.  
 poration for the payment of same in the name of said corporation; Execution of  
 and shall also have the authority, in the discretion of the said com- notes and  
 mission, to contract for the whole of said work or a part of same, obligations.  
 and enter into a contract for letting same and the payment of said Power to let work  
 work, and to employ counsel. to contract.

SEC. 3. The said commission shall make a just estimate of all the Estimate of  
 lands along Crowder's Creek and its tributaries within the above- lands.  
 named territory: *Provided, however,* that no assessment for drain- Proviso: land not  
 age shall be placed on the lands below R. A. Caldwell's land on to be assessed.  
 said stream and within the terminal point designated in section one,  
 that will in their judgment be benefited either generally or specially,  
 by the work proposed and contemplated to be done, and make a list  
 of the owners of said land, with the estimated acres to be benefited List of owners.  
 by each owner; and in making said estimate the said commission is  
 authorized to take into consideration and estimate all lands lying

within one mile of the center of Crowder's Creek the measurement to be air line and at right angles to center of said creek, upon either and both sides of said creek and all tributaries of Crowder's Creek and all lands within one mile of the center of said creek and its tributaries shall be measured and estimated, and said commission shall make a just estimate of all land on Crowder's Creek and its tributaries within the radius prescribed and limits herein defined, and in their judgment will be benefited either generally or specially, by the work to be done, and make a list of the owners of said land with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by same, and assess said landowner or owners a larger amount in accordance with the special benefits. Said commission is further authorized and empowered to employ a competent engineer to do such surveying as is necessary and desired by said commission and as may be required by this act. That the boundary as herein described be and the same is established a drainage district.

Engineer.

Drainage district.

Examination and classification of land.

SEC. 4. It shall be the further duty of said commission to view and personally examine the land embraced within the radius mentioned in paragraph three herein, and classify it with reference to the benefit it will receive from canaling and improvement contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and the fertility of the soil, which shall be considered in determining the amount of the benefits it will receive of the contemplated improvements. The land benefited shall be separated into five classes; the land receiving the highest benefit shall be marked "Class A," that receiving the next highest benefit "Class B," that receiving the next highest benefit "Class C," that receiving the next highest benefit "Class D," and receiving the smallest benefit "Class E." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the land or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be estimated as nearly as practicable and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commission or found by them shall be in the ratio of five, four, three, two and one, that is to say, as often as five mills per acre is assessed against the lands in "Class A" four mills per acre be assessed in the lands in "Class B," three mills per acre in "Class C," two mills per acre in "Class B," and one mill per acre in "Class E." This shall form the basis of the assessments of benefits to the land. That after said commission has assessed the benefits to the lands they shall give notice at the court-house door at

Five classes.

Acreege determined.

Ratio of assessment.

Notice of meeting for complaints against assessment.

Gastonia, Gaston County, and by posting notice at five points along the line of Crowder's Creek and by appointing a day on which said board of commissioners will meet at the court-house in Gastonia, Gaston County, to hear any and all complaints of the lands of the assessment made against said land, which said notice shall give ten days time or notice of said meeting, at which time the said commission will sit as a body to hear and determine all complaints that may be filed with them, and shall have the right to hear any and all evidence introduced and offered in said matter, and determine the proper assessment against said complaint and fixed the assessment against all the land within the radius mentioned and set forth in section three of this act, and said commission shall have power and authority to issue subpoenas for witnesses and hear their evidence, and punish for contempt of their proceedings or court while sitting and hearing said complaint; and any party aggrieved by said assessment or other matter before said court shall have right of appeal, at the said time or within ten days thereafter to the superior court of Gaston County, said appeal being taken and prosecuted as now provided in appeals in civil actions, the party appealing being required to give bond in the sum of two hundred dollars to pay all costs and assessments adjudged and awarded against him upon said appeal. Said appeal shall have priority in point of trial at next term of said court by reason of its public nature.

SEC. 5. After the classification of the land and the ratio of assessment of the different classes to be made thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the lands ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, including the damage awarded and to be paid to the owners of land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of the assessment made by the commission. This drainage roll, showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof, shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the secretary as part of the records of his office and the other delivered to the sheriff or tax collector of Gaston County, which said road shall show the name of the owner, the number of acres of land upon which assessments have been made, and the amount due by the said landowner, and there shall be appended an order to collect said assessments, an amount so certified, and the same shall have the force and effect of a judgment, as in the case of State and county taxes, and shall be

Hearing on complaints.

Powers of commission in hearing on complaints.

Right of appeal.

Bond on appeal.

Priority of trial.

Assessment roll.

Cost of improvements.

Assessment of expense.

Rolls in duplicate.

Copy to sheriff or tax collector.

Order for collection.

collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment, assessment roll being delivered to the sheriff or tax collector for collection. After said commission has assessed against the several tracts of land according to the benefits received, as shown by the classifications and ratio of assessment as made by said commission, it shall have the right to levy an assessment upon said benefits in an amount annually not exceeding five dollars per acre until the whole thereof is paid or said contemplated improvements completed, or if the total cost of the work is less than an average of five dollars per acre on all the land in the district the assessment made against the several tracts can be collected in one installment, in the discretion of the commission, or in two or three installments, in the discretion of the said commissioner, by the officer as herein directed, in the same manner as State and county taxes are collected and paid. In case the total assessment exceeds the average of five dollars per acre, or even one dollar per acre or fifty cents per acre, the said Crowder's Creek Drainage Commission may give notice of three weeks, by publication in some newspaper in Gaston County, North Carolina, and also by posting a written or printed notice at the court-house door in said county and five conspicuous places in the drainage district, that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, the time when payable, not exceeding an amount of fifteen thousand dollars nor exceeding the amount of the assessed benefit for said work and improvements contemplated, which said issue of bonds shall be for a period from date of same not more than fifteen years, bearing six per cent interest. Any landowner having land assessed in the district and not wanting to pay interest on the bond may, within thirty days after the publication of said notice, pay the treasurer the full amount of his assessment and have his land released therefrom. Neglect to pay same to the treasurer within said time shall be deemed as consenting to the issuing of said bonds, and in consideration of the rights to pay his assessment in installments he hereby waives his right to any defense against collections of said assessment because of any irregularity, illegality or defect prior to that time, except in the case of an appeal as hereinafter provided, which is not affected waiver. The term "person" as used in this act includes firm, company or corporation. At the expiration of thirty days after the publication, the Crowder's Creek Drainage Commission may issue bonds for the full amount of the assessments not paid in to the treasury, together with the interest thereon, costs of collection or other incidental expenses; the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments, not exceeding

Limit of assess-  
ment.

Collection in one  
installment.

Notice of  
intention to issue  
bonds.

Limit of amount.

Maturity of bonds.

Interest.

Payment in full of  
assessment.

Consent to bond  
issue.

Bond issue.

Interest.

fifteen years, to be fixed by said commission, the said bonds so issued shall have attached thereto coupons representing the interest on said bonds, which coupons shall be due and payable annually, and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of the Crowder's Creek Drainage Commission and shall be signed by its chairman and attested by the secretary, and the official seal of said corporation attached, and said bonds issued shall be for the exclusive use of prosecuting and carrying on the improvement and work contemplated herein, and shall not be sold by the commission for less than par, and shall be numbered by the commission and recorded in a book for that purpose, showing the purchaser and number of each bond, and where payable, and shall set out specifically the land embraced in the district on which the tax has not been paid in full (tax herein meaning assessment), and which land is assessed for the payment of the bonds and interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes upon the land assessed for the payment of said bonds and the interest thereon as they become due shall be collected in the same manner by the same officer as the State and county taxes are collected. If any installment of principal and interest represented by the said bond shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six months the holder or holders of such bond or bonds upon which default has been made may have a right of action against said commission and corporation of said district, wherein the court may issue a writ of mandamus against the said drainage commission, its officers, including tax collector and treasurer, directing the levying of a special assessment as herein provided and the collection of same in such sum as may be necessary to meet any unpaid installment of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the sheriff or tax collector of said county shall be liable for the faithful performance of the duties herein assigned him. And such official bond may be increased by the board of county commissioners to meet the additional duties and liabilities imposed by this act, unless the existing bonds shall be ample to cover such increased liabilities. That in order to meet said bonds at maturity and to pay the interest on the same they are authorized, instead of collecting from the said land so assessed for the benefits to be derived by said improvements in one full sum to assess and collect annually a sufficient sum and levy upon the benefits of such land and amount annually to meet said interest and

Payment of bonds.

Authentication.

Exclusive use.

Sale not below par.

Record of bonds.

Lien on lands.

Right of action.

Remedy by mandamus.

Officers liable on bonds.

Collection for interest and sinking fund.

Investment of sinking fund.	create a sinking fund to pay said bonds at maturity, and as said sinking fund accumulates the said commission are authorized to loan the same and apply the interest so collected to said sinking fund, and continue to do so until said bond issue shall be discharged; and in the event said commission desires to pay off said
Payment of bonds before maturity.	bond issue before maturity they may assess a sufficient sum, and collect, as will pay the interest and one-fifth of said bond issue annually, until fully paid and discharged, and in that event said commission may pay off such bond as the holders thereof may consent, or in event the holder shall refuse to surrender said bond at
Call of bonds.	par, with accrued interest, said commission may designate the number of the bond it will pay and publish same in some newspaper in Gaston County, and from said date said bond shall fail to bear
Proviso: condition to be expressed on bonds.	interest: <i>Provided</i> , the said bonds shall be affected with the conditions of this provision only when said conditions are expressed on the face of the bonds.
Collection of assessments.	SEC. 6. That the sheriff, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same, and to that end shall have power and remedy as he has to the collection of the public taxes, and shall receive for such services the same compensation as the collector of county taxes, and shall pay over the same to the treasurer of said corporation or commission and take his receipt therefor.
Treasurer's bond.	SEC. 7. That said commission shall have the authority to fix the amount of the treasurer's bond and to take and accept same and
Pay of treasurer.	file with the records of their board, and shall pay said treasurer out of the funds the sum of two per cent upon amounts paid out by him, and shall allow for each day actually served by each member
Pay of commissioners. Orders on treasurer.	of the commission one dollar for his services, to be paid out of the funds; that all orders upon the treasurer shall be signed by the chairman and attested by the secretary.
Obstructions to be removed.	SEC. 8. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said watercourse shall be removed as rapidly as possible, and they shall further cause the bed
Bed to be widened and deepened.	of said stream to be widened to a width not exceeding thirty feet and to lower the bed and bottom of said stream not exceeding fifteen
Change of stream.	feet, and may straighten said stream and change same at such point and places as may seem to them to be for the better flow of the
Banks cleaned.	water, and shall have the power to remove or cause to be removed from the bank of said stream all such growth or other hindrances as to tend to retard the rapid flow as the water of said stream on occasions of high water, and shall have the right from time to time,
Right to enter on lands.	its agents and employees or contractors, to enter upon any land along said watercourse and tributaries for the purpose of carrying out the improvement and work contemplated in this act; and shall, after the completion of same, have the right to enter upon said

land at any time for the purpose of performing any work, in making repairs and clear off obstructions, all growth of matter interfering with the free flow of the water; but in doing this work they shall give attention first to the widening and lowering and excavating of the said stream and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of the rock and other hindrances to the rapid flow of the water.

SEC. 9. It shall be the duty and obligation of each of the members of the said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or for good cause his office may be declared vacant by the other members, and all vacancies, from whatsoever source or cause, shall be filled by the board of county commissioners of Gaston County.

SEC. 10. If it shall be necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said stream for the betterment of the flow of the water and the improvement of the object and purpose of this act, and in either event the same can not be acquired by purchase, then in that event the power of eminent domain is hereby conferred, and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the proceeds of the sale of bonds or from collection of the assessments upon benefits; that every privilege, power and right to carry the provisions of this act are granted said committee to aid in the further promotion of said work herein contemplated by this act.

SEC. 11. The owner of any lands that have been assessed for the cost of the construction and improvement herein directed and allowed by this act shall have the right to use same as an outlet for lateral drains from said land; and if said lands are separated from the creek by the lands of another and the owner thereof shall be unable to agree with said other as to the terms and conditions to which he may enter their lands and construct said drain or ditch, he may file a petition with commission herein appointed and constituted a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission herein appointed.

SEC. 12. That the said Crowder's Creek Drainage Commission shall have power and right, at their discretion, to elect or appoint a superintendent of the construction of said work and improvements,

Commissioners  
to qualify.

Vacancies.

Power to condemn  
land.

Proceedings for  
condemnation.

Payment of  
damages.

Lateral drains.

Rights-of-way  
for lateral drains.

Superintendent of  
construction.

Compensation and bond.	and to fix his compensation and bond for the faithful performance of the same.
Work may be let to contract, or have work done.	SEC. 13. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out by contract or by section to be laid off as said commissioner and to contract for the same or it may do the work and improvement by purchasing a dredging machine or other machine and hiring labor under the commission's supervision or that of the superintendent. In event said commission shall decide to let said work to bidders for the whole or by sections or any part of same, the successful bidder shall be required to enter into a contract with Crowder's Creek Drainage Commission and to execute bonds for the faithful performance of such contract, with sufficient security in favor of the Crowder's Creek Drainage Commission, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him. If any contractor to whom a portion or all of said work shall have been let shall fail to perform the same according to the terms specified in his contract action may be had in behalf of the Crowder's Creek Drainage Commission of Gaston County against such contractor and his bond in superior court for damages sustained, and recovery made against such contractor and his sureties.
Contract.	
Bonds of contractors.	
Action on bond.	
Removal and replacement of bridges.	SEC. 14. That said Crowder's Creek Drainage Commission shall have full power and authority to remove any public highway or railroad bridge across the said stream within a radius permitted in this act and fixed as a drainage district, and place on or upon the bank of said stream and proceed with its work; and on account of the public nature of said work and the general benefit to the health of the community, the cost of replacing said bridges shall be borne and paid by the Crowder's Creek Drainage Commission.
Control and supervision of completed work.	SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said Crowder's Creek Drainage Commission, and it shall be the duty of said commission to keep said watercourse in good repair and open, and for this purpose may levy an assessment on the land benefited by the construction of such improvement in the same manner and the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said watercourse in perfect order: <i>Provided, however,</i> that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent or employee, if the same is caused by the cattle or other stock of said owner, employee or agent, then the cost thereof shall be assessed and levied against the land of said owner alone. to be collected by proper suit instituted by the commissioners.
Assessments for repairs.	
Proviso: damage by negligence of landowners.	
Injury or obstruction of works a misdemeanor.	SEC. 16. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or floodgate in

such a way as to injure or obstruct the improvements and water flow of said stream under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor, and punishment upon conviction thereof may be fined in any sum not exceeding twice the damage or injury done or caused. Punishment.

SEC. 17. That said commission or any of its agents, officers, employes or contractors shall have the right to enter upon the land adjoining said work at any time for the purpose of said improvement without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespassing. Power to enter on lands.

SEC. 18. That subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion with a view of accomplishing the greatest good to the largest body of the land to be benefited, until the whole of said work shall be completed and the health of the community benefited and improved. Work at discretion of commission.

SEC. 19. It shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment not to exceed thirty days for any person or persons to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creek and land. Punishment for obstruction of flow of water.

SEC. 20. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 21. That this act shall be in force and effect from and after its ratification.

Ratified this the 25th day of February, 1911.

## CHAPTER 269.

### AN ACT TO CREATE A RECORDER'S COURT IN JOHNSTON COUNTY, AND TO DEFINE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special court for the trial of petty misdemeanors committed in the county of Johnston, and certain civil actions arising in said county as herein defined, is hereby created and established, and the same is hereby designated as "Recorder's Court of Johnston County, North Carolina." Special court created.  
Designation.

SEC. 2. Said court shall be a court of record, presided over by a recorder, who shall be a licensed attorney at law, of good moral character and in good standing in his profession, and who shall be at the time of his election and qualification an elector in and for said county of Johnston. Court of record.  
Recorder.

SEC. 3. That until the election hereinafter provided for in this chapter, F. H. Brooks, attorney at law of Smithfield, be and he is Recorder named. Recorder named.

Term of office.	hereby appointed recorder of and for said recorder's court of Johnston County, for a term expiring on the first Monday in December, in the year one thousand nine hundred and twelve; that his successor shall be elected at the regular State and county election for the election of member of the General Assembly and county officers, in November, one thousand nine hundred and twelve, for a term of
Election of successor.	two years beginning on the first Monday in December, one thousand nine hundred and twelve, and in like manner biennially thereafter shall a recorder be voted upon and elected for said recorder's court
Term.	of Johnston County. Said recorder and each of his successors in
Recorder to qualify	office shall, before entering upon his duties, take and subscribe the oath required of judges of the superior court, before the clerk of the superior court of Johnston County, which oath shall be re-
Salary.	corded by said clerk. The salary of the recorder shall be fixed by the board of commissioners of Johnston County, and paid out of the county fund upon such vouchers as are now required for the pay-
Clerk.	ment of county bills, said salary not to be less than one thousand (\$1,000) dollars annually.
Fees of clerk.	SEC. 4. That the clerk of the superior court of Johnston County and his successor elected every four years, is hereby designated and appointed clerk of the recorder's court, whose compensation shall be the same fees as now or may hereafter be allowed by law
Bond and oath of office.	for like cases in the superior court. Said clerk, before entering upon the duties imposed upon him, shall execute a bond in the penal sum of one thousand dollars, for the faithful performance of his duties, and take the oath now required of clerks of the superior court. The
Duties.	duties of said clerk shall be the same as those of the clerk of the superior court, with like penalties and forfeitures.
Prosecuting attorney.	SEC. 5. The board of county commissioners of Johnston County are hereby authorized, if in their good judgment the exigencies of the situation and the public good require, to direct the county attorney to act as prosecuting attorney of said recorder's court of Johnston
Compensation.	County, either regularly or on such occasions as said board may deem best, and while acting in said capacity of prosecuting officer of the recorder's court he shall receive such compensation as the board of commissioners may determine, based upon the fees now
Jurisdiction of court.	allowed solicitors of this State.
Further jurisdiction.	SEC. 6. Said court shall have all jurisdiction and power in all criminal cases arising in said county which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section, shall have concurrent original jurisdiction of all other criminal offenses committed in said county below the grade of felony, as now defined by law, and the same are hereby declared to be petty misdemeanors. Said court, in addition to the jurisdiction already pointed out, shall have final, original, concurrent jurisdiction in all larceny and receiving cases in said county wherein the value of the property stolen or received, knowing the same to have been stolen, does not exceed twenty dollars.

In any other criminal matter wherein said court has not final jurisdiction it shall have power, and it is hereby fully authorized, to hear and bind over to the proper court all persons charged with any crime committed in Johnston County, whereof the preliminary examination is now conferred upon justice of the peace. Jurisdiction in preliminary examinations.

SEC. 7. Said recorder shall have all power, jurisdiction and authority now conferred by law upon the justices of the peace or judges of the superior court sitting in Johnston County to sentence any person convicted in said court of a misdemeanor, for which the punishment prescribed by law is imprisonment, to be worked upon the public roads of said county as now prescribed by law, and the clerk of said court shall issue commitments therefor in the same manner as now required by law for clerks of the superior court. Sentences to road work.  
Commitments.

SEC. 8. When, upon affidavit made before entering upon trial of any case, criminal or civil, before any justice of the peace of Johnston County, it shall appear proper for said case to be removed to some other justice of the peace for trial, said cause may be removed by said justice for trial to the recorder's court of Johnston County: *Provided*, that when the defendant or moving party in his affidavit for removal shall request that said case be transferred to the recorder's court for trial by a jury, then the justice of the peace before whom said action is pending shall have no discretion in the matter but shall remove said action to the recorder's court for trial at the next following session of said court. Removal of causes.  
Proviso: removals for trial by jury.

SEC. 9. In all criminal cases heard by justices of the peace and other committing magistrates of said county, where said justice has not final exclusive jurisdiction, and of which the recorder has jurisdiction under this act in which probable cause of guilt is found, such person or persons shall be bound in a recognizance with sufficient surety to appear at the next succeeding session of the recorder's court for trial, and in default of such security such person or persons shall be committed to the common jail of said county to await trial. Recognizances.

SEC. 10. Upon proper affidavits, as now required by law before justices of the peace, warrants may be issued by the clerk of said court for any person or persons charged with the commission of any criminal offense in said county of Johnston. In the absence of the clerk the recorder may issue any and all papers necessary in both criminal and civil actions, and any person convicted in said court shall have the right to appeal to the superior court of Johnston County, and upon such appeal the trial in the superior court shall be *de novo*. Issue of warrants.  
Right of appeal.

SEC. 11. That the defendant in any criminal action in said court, of which said court has final jurisdiction, or either party in any civil action, may demand and have a jury, as provided in the courts of justices of the peace, and the same rules, regulations, procedure and law governing jury trials in justices of the peace courts are hereby adopted and declared to be applicable to the recorder's court Jury trials.

- of Johnston County, except that juries drawn in said recorder's court shall be taken from the body of the county, and not confined to townships as in courts of justices of the peace: *Provided*, that jurors summoned and attending upon said court shall receive the same mileage and per diem as now allowed by law to jurors of the superior courts of Johnston County.
- Proviso: pay of jurors.**
- Civil jurisdiction.** SEC. 12. Said court shall have final, original, concurrent jurisdiction of all civil actions arising in said county of Johnston which are now or may be hereafter given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have original jurisdiction concurrent with the superior court of all other civil actions arising in said county out of contract, where the sum demanded does not exceed the sum of five hundred dollars and those arising out of tort where the value of the property or the amount in controversy does not exceed two hundred dollars.
- Issue and return of summons.** SEC. 13. All civil actions shall be commenced in said recorder's court by summons issued by the clerk of said court, and shall be returnable to the first sitting of said court thereafter: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on or before the return day of such summons. The defendant shall file his answer, or demurrer, on or before Wednesday night following the filing of the complaint; and the case shall stand for trial at the first sitting of said court thereafter: *Provided*, that the recorder shall, in his discretion have power to grant extension of time to file pleadings.
- Proviso: service.**
- Pleadings.**
- Proviso: extension of time.**
- Judgments and executions.** SEC. 14. All judgments in civil actions, excepting those for costs only, rendered by the recorder shall be duly docketed in the office of the clerk of the superior court, and execution shall issue thereon as is now provided by law for executions upon judgments of the superior court.
- Concurrent jurisdiction.** SEC. 15. In all actions and matters where a justice of the peace does not now have jurisdiction, exclusively, the plaintiff in such action may bring original suit either in the recorder's court, as created by this act, or in the superior court of Johnston County, at their election.
- Sessions of court.** SEC. 16. That the recorder's court created and established by this act shall be opened each and every Tuesday morning at ten o'clock, at the county seat, and shall continue in session daily until the business before it shall be disposed of.
- Fines and costs.** SEC. 17. The clerk of said court shall collect all fines and costs, as is now done in the superior court; and where a defendant is convicted and fails to pay the costs, the county shall pay the costs as are now allowed by law in similar cases before the superior court: *Provided*, nothing herein shall abridge the right of the recorder to make other and further orders as to the payment of the costs as to him may seem just and proper, where the ends of justice may be met without taxing the costs against the county.
- Proviso: power of recorder as to costs.**

SEC. 18. Nothing in this act shall prevent the recorder appointed herein or any of his successors from practicing law in the higher courts of the county and State in any and all cases which have not been passed upon by him in his court, and in any other courts in any matter wherein he is in no way connected by reason of his said office, and which shall not be heard by him as recorder. Said recorder shall be considered as a justice of the peace under article fourteen, section seven, of the Constitution. Recorder may practice law.

SEC. 19. Should a vacancy occur in the office of recorder, except by expiration of the term, the same shall be filled by the board of commissioners of Johnston County, and the appointee shall hold office until the next regular election of recorder by the people. The board of commissioners may, also, whenever the recorder is temporarily absent for overpowering, necessary reasons, or disqualified by sickness, appoint a substitute recorder who shall exercise all the powers of recorder and be subject to the same rules and requirements imposed upon the recorder. Vacancies.  
Substitute recorder.

SEC. 20. That the sheriff of Johnston County, in person or by deputy, shall attend upon the sessions of the recorder's court and perform like duties imposed upon him in connection therewith as in the superior courts of the county, and he shall be entitled to the same fees and emoluments as appertain by law in the discharge of the duties of sheriffs in other courts of the State. Duty of sheriff.  
Fees and emoluments.

SEC. 21. Said court shall have a seal with the impression "The Recorder's Court of Johnston County," and the same may be used in the attestation of writs, warrants, summons or other proceedings in the same manner and to the same effect as the seal of other courts in the State of North Carolina. Seal of court.

SEC. 22. That process may be issued from this court to the sheriff, constable or other officers of the county of Johnston, and such process or summons, when attested by the seal of the recorder's court, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law. Process.

SEC. 23. That immediately upon the ratification of this act the same shall be printed and a copy mailed by the secretary of state to the chairman of the board of county commissioners of Johnston County and one copy each to the clerk of the superior court of Johnston County and to the recorder appointed by this act. Copies of act.

SEC. 24. That the court herein established shall organize and be ready for the dispatch of business by the first Monday in April, one thousand nine hundred and eleven. Court to organize.

SEC. 25. That this act shall be in force from and after its ratification, and that all laws or parts of laws in conflict with the same are hereby repealed.

Ratified this the 27th day of February, 1911.

## CHAPTER 270.

AN ACT TO FIX SALARIES FOR PUBLIC OFFICIALS AND  
CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN GAS-  
TON COUNTY.

*The General Assembly of North Carolina do enact:*

- Sheriff to appoint deputies. SECTION 1. That the sheriff of Gaston County shall appoint at least one deputy in each township in the county and may allow
- Fees of deputies. such deputy the fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and all fees and commissions made and collected by them from executions. Said deputies shall receive full fees in all cases either civil or criminal and said deputies shall receive actual expenses in going after and transporting prisoners to jail.
- Sheriff to collect and pay over fees. SEC. 2. That all fees, commissions, profits, and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of said county to be disposed of as hereinafter provided.
- Appointment and salary of jailer. SEC. 3. The sheriff may appoint a jailer whose salary shall not exceed fifty (\$50) dollars per month.
- Salary of sheriff. SEC. 4. The said sheriff shall receive a salary of two thousand (\$2,000) dollars per annum in lieu of all other compensation whatsoever: *Provided, however*, that nothing herein contained shall be construed as to prevent the payment of the reward provided by chapter eight hundred and seven, Laws of one thousand nine hundred and nine, for capturing distilleries. Said sheriff shall collect all taxes in Gastonia Township and all certified taxes from the State Corporation Commission for Gaston County, and shall receive no compensation other than the salary fixed by law. It shall be the duty of the county commissioners of said county to appoint one tax collector for each township in said county, except Gastonia Township, whose duty it shall be to collect the taxes in the various townships for which he was appointed and pay over to the treasurer of the county, monthly, all taxes so collected: *Provided*, that all taxes must be collected on or before the thirtieth day of December of the year in which same was listed. Said tax collectors shall receive a compensation not exceeding two and one-half (2½%) per cent on all taxes collected, said commission to be fixed by the county commissioners. The said tax collectors shall be bonded in an amount to be fixed by the commissioners of said county.
- Proviso: fees for capturing distilleries.
- Taxes to be collected by sheriff.
- Township tax collectors.
- Proviso: time for collection.
- Commission of tax collectors.
- Bonds of tax collectors.
- Clerk of superior court and register of deeds to collect and turn over fees. SEC. 5. The clerk of the superior court and the register of deeds of said county shall faithfully collect, account for and turn over to the treasurer of said county to be disposed of as hereinafter provided,

all fees, commissions, profits, and emoluments of every kind, now or hereafter by law accruing, belonging or appertaining to them by virtue of their office.

SEC. 6. The clerk of the superior court shall receive a salary of two thousand (\$2,000) dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of six hundred dollars per annum for deputy clerk hire

Salary of clerk.

Allowance for clerk hire.

SEC. 7. The register of deeds of said county shall receive a salary of one thousand eight hundred (\$1,800) dollars per annum in lieu of all other compensation whatsoever, and shall be allowed the sum of six hundred dollars per annum for a deputy register of deeds.

Salary of register.

Allowance for deputy.

SEC. 8. The treasurer of Gaston County shall receive a salary of twelve hundred dollars per annum in lieu of any and all other compensation whatsoever.

Salary of treasurer.

SEC. 9. The office of auditor for Gaston County is hereby instituted and created. The auditor of said county shall receive a salary of one thousand two hundred (\$1,200) dollars per annum and shall forthwith bond in the sum of five thousand dollars, (said bond to be approved by the commissioners of said county), payable to the county of Gaston, conditioned that he will diligently, truly and faithfully perform all the duties of his office. And he shall be responsible for all penalties or any moneys of other kinds which may be reasonable against him for any negligence, default, malfeasance or misconduct in office.

Office of auditor created.

Salary.

Bond.

Responsibility.

SEC. 10. It shall be the duty of the auditor to assist the register of deeds of Gaston County in making out the tax list now required by law. It shall be the duty of the auditor to make out and prepare for publication all annual statements required by law; to investigate and to inquire for all delinquent taxpayers and to require all delinquent property including polls to be placed on tax list; to keep a record of all real estate transfers with prices paid for same; to instruct tax listers and assessors to act as accountant for the county sitting with the county officers; to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all the offices which show fees and commissions collected and received by them; to examine at least twice each year the dockets of all justices of the peace of said county and he is hereby authorized to administer oaths on verification of claims which may be filed against the county, and to open a set of account books in which may be shown the total monthly receipts of fees and commissions of all the offices of said county in an expert and intelligent manner assigning distinct and separate accounts for each and every said officer, which book shall be permanently kept as the records of his office and always open to the public inspection. He shall likewise visit the county jail and other county institutions and examine same, also the books and accounts kept by the jailer and others. It shall likewise be his duty to audit all bills and claims presented to the board of county com-

Duties of auditor.

Power to administer oaths.

Account books.

Books open for inspection.

Further enumeration of duties.

Audit of bills and claims.

missioners of said county for payment and no claim or bill filed with said board of county commissioners shall be allowed or paid until it has been audited and approved by the said auditor and all warrants drawn upon claims or bills allowed by said board of county commissioners shall be countersigned and approved by said auditor before they shall be honored or paid by the treasurer of said county.

Purchases for county.

SEC. 11. That it shall be the duty of said auditor to familiarize himself with the market prices and to assist in buying the supplies of the county, and shall report all moneys collected by him to the commissioner on every first Monday.

Monthly reports.

SEC. 12. The auditor of Gaston County shall be appointed by the board of commissioners of said county and shall hold office under the control and direction of said board of county commissioners and he shall open and keep an office to be selected and furnished by the board of commissioners of said county in which shall be safely and securely kept the record of his office.

Appointment of auditor.

Office.

SEC. 13. The officers hereinbefore mentioned shall faithfully perform all the duties of their several offices imposed upon them by law and shall receive no other compensation or allowance whatsoever for any extra or additional service rendered to the county or State or other governmental agencies and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

Officers to perform duties.

Liability for failure.

SEC. 14. All the moneys coming into the hands of the treasurer of Gaston County by virtue of this act shall be held by him as a separate and distinct fund and after paying the salaries and allowances provided for in this act, balance of said fund shall immediately be divided between the public school fund and public road fund.

Separate fund.

Division of surplus.

SEC. 15. The salaries and allowances herein provided for shall be paid by the treasurer of said county upon warrant as required by law to the officers and assistants in monthly installments.

Salaries paid monthly.

Monthly settlements.

SEC. 16. The officers hereinbefore named are required to turn over to the treasurer of Gaston County all moneys coming into their hands and shall make settlement with said treasurer on the last day of each and every month, and the county commissioners may at any time require said officers or any of them to exhibit to them all books or accounts showing all moneys received and turned over to the treasurer under the provisions of this act.

Exhibit of books and accounts.

SEC. 17. Any officer, clerk, or assistant herein mentioned who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office shall be guilty of a misdemeanor.

Failure of officer to collect fees a misdemeanor.

Repealing clause.

SEC. 18. All laws and parts of laws in conflict herewith are hereby repealed.

When act effective.

SEC. 19. That this act shall be in full force and effect on and after the first Monday in January, one thousand nine hundred and thirteen, (1913.)

Ratified this the 27th day of February, 1911.

## CHAPTER 271.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND SEVENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE DESTRUCTION OF HAWKS AND OWLS IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-six of the Law repealed. Public Laws of one thousand nine hundred and nine be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after the first day of March, one thousand nine hundred and eleven. When act effective.

Ratified this the 27th day of February, 1911.

## CHAPTER 272.

AN ACT TO VALIDATE THE OFFICIAL ACTS OF THE DEPUTY CLERK OF THE SUPERIOR COURT FOR CLAY COUNTY DURING THE ILLNESS OF THE LATE CLERK OF SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the official acts of G. W. Kinsey, deputy clerk of the superior court for Clay County, done and performed, during the illness of G. W. Sanderson, the late clerk of the superior court of said county be and the same are hereby validated, confirmed, and ratified. Acts validated.

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

Ratified this the 27th day of February, 1911.

## CHAPTER 273.

AN ACT PERMITTING THE COMMISSIONERS OF LINCOLN COUNTY TO DONATE A SUM OF MONEY FOR THE PURPOSE OF ERECTING A CONFEDERATE MONUMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Lincoln County be and they are hereby authorized and empowered to donate a sum of money, not exceeding three hundred dollars, for the purpose of erecting a Confederate monument on the court-house grounds in the town of Lincolnton. Donation authorized.  
Amount.  
Purpose.

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

Ratified this the 27th day of February, 1911.

## CHAPTER 274.

## AN ACT TO IMPROVE THE PUBLIC ROADS OF McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Public roads declared.

SECTION 1. That all roads that have been laid out in any township in McDowell County are hereby declared to be public roads, and the road commissioners hereinafter named in each and every township shall have the supervision and control of the public roads in their respective townships. They shall, with respect to this work, constitute and be styled road commissioners of such township, and under that name, for the purposes aforesaid, they are hereby incorporated the road commissioners of such township. The said road commissioners of any township shall have power and authority, within their respective townships, to order the laying out of any public road where they shall deem it necessary, to appoint where bridges shall be made, to discontinue such roads as shall be by them found useless, and to alter roads so as to make them more useful. The roads of their respective townships shall be in their exclusive control.

Supervision and control.

Commissioners incorporated.

Powers of commissioners.

Road duty.

SEC. 2. All able-bodied male persons between the ages of eighteen years and forty-five years shall be required to work on the public roads in their respective townships except the members of the road commission, six days in each and every year, and in case of damage resulting from heavy rains or storm, they may be required to work twelve days.

Emergency work.

Meeting and organization.

SEC. 3. That road commissioners provided for in section one of this act are hereby required to meet in their respective townships within ten days after receiving notice of their appointment, and organize by electing a chairman and a secretary, and they are hereby empowered with authority to divide their township roads into sections, and assign hands to such sections, and appoint overseers over same, which overseers are required to serve for one year without compensation. Any road hand may pay to the secretary of the road commission one dollar for each day required of such hand in lieu and stead of working the roads aforesaid. When the secretary receives money from hands in lieu of work, he shall report same to the road commissioners of his township, and the same shall be expended for the benefit of the roads of such township in the discretion of the road commissioners. It shall be the duty of the road commissioners in their respective townships to meet at least once a year to receive the overseers' reports, and do any and all acts necessary for the good of the roads of their respective townships. The chairman of the road commissioners of any township may call a special meeting when he deems same necessary.

Division of roads.

Assignment of hands.

Overseers.

Commutation.

Annual meeting of commissioners.

Special meetings.

The road commissioners of each and every township shall receive, as compensation for their services one dollar per day for such days as they shall necessarily be employed. The said road commissioners in their respective townships are hereby vested with authority to draw orders on the county treasurer of McDowell County for any and all funds due their respective townships, said orders to be signed by their chairman, and countersigned by their secretary and treasurer, and when so signed, shall be legal vouchers in the hands of the county treasurer, and shall be received by the finance committee in his settlements as such.

Pay of commissioners.

Orders for road funds.

SEC. 4. That any person, company, or corporation, which has in its employ men subject to work upon the public roads of the respective townships, shall upon application by any road overseer, or by the road commissioners of said township, furnish a list of the names of all male persons in its employ, between the ages of eighteen and forty-five years of age, and at the same time give such information as it has, or can by reasonable diligence obtain, as to how long each one of such employees has been in the county, and from whence they came.

Employers to furnish lists of road hands.

SEC. 5. That all male persons located or regularly employed in any township, as aforesaid, shall, after they have resided, been located, or employed in such township for ten days, be required to work upon the public roads as hereinbefore provided for in this act.

Persons subject to road duty.

SEC. 6. That if any person, company or corporation, or the employees of such, shall damage any public road, bridge or causeway, by hauling logs, engines, saw mill timber or material for the construction of any railroad or tramway, and shall fail to repair the damage thereto, and leave the same in as good condition as formerly, within five days after being notified of such damage by any road overseer, or if any such person, company, or corporation, or the employees of such shall by such hauling damage any cartway or any private road without the consent of the owner of the land over which such cartway or private road runs, and shall fail to repair the damage so done to such cartway or private road, within five days from the time of notice from the owner of the land over which such road runs, or any person who necessarily travels and uses the same, in either of such cases such person, company or corporation, or the employees of such, so offending shall be guilty of a misdemeanor.

Injuries to roads constituting misdemeanor.

SEC. 7. That said road commissioners in their respective townships aforesaid are hereby authorized and empowered to enter into and upon any lands in their said townships for the purpose of laying out any new road or changing the present location of any road, or for the purpose of getting any rock, timber, or other material necessary to macadamize or improve the roads of their respective townships, and if any person over whose land any road shall be

Entry on lands for laying out roads or for material.

Claims for damages.

constructed altered or changed, or from whose land any material may have been taken, shall claim damages for such location or change in any road, or for material taken, he may file his claim in writing before the commissioners in their respective townships within sixty days from the completion of such road, or change of road, or use of material, setting forth his reasons why he claims damages, together with the amount of such claim, whereupon it shall be the duty of such road commissioners of their respective townships, within sixty days, to appoint a jury of three disinterested freeholders of such townships of no relation to claimant, to view the premises and assess any damages resulting to claimant's land by reason of said change or location of said road, or taking material of such land, taking into consideration any benefit which said road may be to claimant's land, and report the said damage, if any, they may find to the said road commissioners of such township: *Provided*, that the said claimant or the road commissioners in their respective townships may appeal to the superior court from said report: and *Provided, further*, that the filing of such claim before the road commissioners aforesaid for any damage sustained or to be sustained shall not have the effect to hinder or delay the construction of such road, but the said road commissioners in their respective townships, shall proceed with the building or changing such road, and taking of such material as above provided for, as if no claim for damages had been filed.

Assessment of damages.

Proviso: right of appeal.

Proviso: claim not to delay work.

Warning hands.

SEC. 8. That the general law in regard to the warning of hands by overseers be applied to the various overseers appointed under the authority given the road commissioners in their respective townships in this act.

Cartways.

SEC. 9. That the road commissioners in their respective townships shall have the same powers and authority over cartways that is now given by the general law to township road supervisors; with the same rights of appeal from their decisions as is now provided for appeal from the supervisors of roads under the general law.

Right of appeal.

Road commissioners named.

SEC. 10. That L. P. Crawford, J. C. Sandlin, L. W. Williams be and are hereby created, declared, and constituted road commissioners for Old Fort Township, county of McDowell: That J. M. Tate, J. K. Craig and J. F. Wilson be and hereby are created, declared and constituted road commissioners for Nebo Township, county of McDowell: That J. B. Lonon, G. W. Conley, and Marion Good be and they are hereby created, declared and constituted road commissioners for North Cove Township, county of McDowell: That J. G. Price, W. F. Brown and S. A. Bowman be and they are hereby created, declared and constituted road commissioners for Higgins Township, McDowell County: That M. P. Flack, W. C. Raburn and J. A. Gallian be and they are hereby created, declared, and constituted road commissioners for Bracketts Township, county of McDowell: That Grant Harris, J. D. Wilson and J. C. Crawford be

and they are hereby created, declared and constituted road commissioners for Montford Cove Township, county of McDowell: That J. L. Bird, A. B. Halford and A. W. Gilliam be and they are hereby created, declared, and constituted road commissioners for Crooked Creek Township, county of McDowell: That W. H. Grant, T. B. Ledbetter and C. M. Nannie be and they are hereby created, declared and constituted road commissioners for Broad River Township, county of McDowell: That R. L. Cowan, H. B. Crawley and E. M. Hutchins be and they are hereby created, declared and constituted road commissioners for Dysartville Township, county of McDowell: That E. G. Gofroth, W. H. England and J. M. Haney be and they are hereby created, declared and constituted road commissioners for Glenwood Township, county of McDowell. The term of office of the members of said road commissioners for their various townships shall be two years from the first day of April, one thousand nine hundred and eleven, or until their several successors shall be duly elected and assume the duties of the said office. It shall be the duty of the board of county commissioners of McDowell County on the first Monday in June, one thousand nine hundred and thirteen, and every two years thereafter, to elect three competent citizens and residents of their respective townships as road commissioners for the various townships hereinbefore named, and that any time when a vacancy or vacancies shall occur in the road commissioners for any township it shall be the duty of the board of county commissioners of McDowell County to fill said vacancy or vacancies at their first meeting after such vacancy or vacancies shall occur.

Term of office.

Election of successors.

Vacancies.

SEC. 11. It shall be the duty of the secretary and chairman of the road commissioners of their respective townships to report in writing to the solicitor of the district on the first Monday of each criminal court each and every person in their respective township who has failed or refused to perform any duty required by law to be done in connection with the public roads in said township.

Failures to perform duty reported to solicitor.

SEC. 12. That all violations of the road law in any of the townships provided for by this act, and all dereliction of duty by any persons connected with the working and maintaining the roads in said township shall constitute a misdemeanor, and the offender shall be fined or imprisoned, or both at the discretion of the court, and the superior court shall have original jurisdiction in all such cases.

Violation of law and dereliction of duty misdemeanors.

Punishment.

Jurisdiction.

SEC. 13. That it shall be the duty of the board of county commissioners of McDowell at their regular meeting on the first Monday in June, one thousand nine hundred and eleven, and every year thereafter to levy a tax of twenty cents on the one hundred (\$100) dollar valuation of property, and sixty cents on each poll in each and every township provided for in this act. That all funds arising from this levy in every township shall be kept separate from

Road tax.

Rate.

Separate funds.

all other funds and shall be as the road fund for the various townships respectively, and shall be drawn from the county treasury by the road commissioners for the exclusive use of the roads of their respective townships as heretofore provided for in this act.

Bridges.

SEC. 14. That whenever it becomes necessary to build a bridge in any of the townships provided for in this act the cost of which shall exceed one hundred (\$100) dollars, the commissioners of McDowell County are authorized in their discretion to assist such township in the erection of such bridge out of the general funds of the county of McDowell.

Secretary to keep records.

SEC. 15. That it shall be the duty of the secretary of the road commissioners of each and every township provided for in this act to keep a record of all things done and all moneys received and expended, and said record shall be open to the inspection of the taxpayers of said township.

Records open for inspection.

Reports of overseers.

SEC. 16. That it shall be the duty of the road overseers in their respective townships to make report to the road commissioners in their respective townships as often as same shall be called for by said road commissioners.

Width of roads.

SEC. 17. That the width of roads, cartways, etc., shall be the same as is now provided in the general law.

Application of act.

SEC. 18. That this act shall apply to all the townships of McDowell County except Marion township.

SEC. 19. That all laws in conflict with this act are hereby repealed.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, 1911.

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## CHAPTER 275.

### AN ACT FOR ERECTING BRIDGES IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

Special tax.

SECTION 1. That the county commissioners of Haywood County shall at their regular meeting on the first Monday in June, one thousand nine hundred and eleven, levy a special tax of five cents on the one hundred dollars worth of taxable property, and fifteen cents on each poll, observing the constitutional equation, for the purpose of erecting bridges in said county.

Rate.

Purpose.

Erection of bridge ordered. Location.

SEC. 2. That the said commissioners shall cause to be erected a steel bridge across Cataloochee Creek at or near the Palmer ford.

Removal of bridge ordered.

SEC. 3. That the said commissioners shall cause to be removed the steel bridge now standing unused across Garden Creek in Pigeon Township, and re-erect it across Bird Creek at or near the Ledbetter ford.

Re-erection.

SEC. 4. That the aforesaid levy may be continued for the year one thousand nine hundred and twelve, if in the discretion of said commissioners it is necessary for the purposes hereinbefore mentioned or for the erection of other necessary bridges. Continuation of levy.

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

Ratified this the 27th day of February, 1911.

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### CHAPTER 276.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY OF THE PUBLIC LAWS OF NORTH CAROLINA OF THE YEAR ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO NONRESIDENT LICENSE TO HUNT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter eight hundred and forty of the Public Laws of one thousand nine hundred and nine, be and the same is amended by adding at the end of said section the following: *Provided*, nothing herein shall prevent a nonresident of the State of North Carolina from hunting in this State upon his own lands or upon lands in which he has an interest, or upon lands belonging to a private corporation in which he holds stock without procuring the license provided for in this chapter. Proviso: nonresidents allowed to hunt without license.

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

SEC. 3. That this act shall apply only to Lincoln County. Application of act.

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

Ratified this the 27th day of February, 1911.

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### CHAPTER 277.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY, AND THE BOARD OF EDUCATION OF SAID COUNTY, TO JOINTLY PAY FOR A COUNTY MAP.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Mecklenburg County, and the board of education of said county, be and they are hereby authorized to pay in equal portions, out of the general county fund, and the general school fund of said county, the sum of \$700 to J. B. Spratt and C. A. Spratt, surveyors and civil en- Payment authorized. Apportionment. Amount.

gineers, for making a complete survey and map of the county of Mecklenburg, pursuant to a contract heretofore entered into between the respective boards and said surveyors and civil engineers, upon the completion of said work and the delivery to each of said boards of the number of maps contracted for.

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

Ratified this the 27th day of February, 1911.

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#### CHAPTER 278.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, REGULATING FISHING IN CAPE FEAR RIVER IN HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight hundred and forty-one of the Public Laws of one thousand nine hundred and nine and section one thereof be and the same is hereby amended by striking out: "*Provided*, that there shall not be any obstruction in the form of traps placed in the Cape Fear River, in Harnett County to prevent the full passage of fish in said river."

Proviso: traps.

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

Ratified this the 27th day of February, 1911.

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#### CHAPTER 279.

AN ACT TO AUTHORIZE THE ROAD COMMISSIONERS FOR NASHVILLE TOWNSHIP ROAD DISTRICT TO LEND THE FUNDS OF SAID ROAD DISTRICT UPON APPROVED REAL ESTATE SECURITY.

Preamble.

Whereas, the road commissioners for Nashville Township road district have in hand a sum of money aggregating about ten thousand dollars, the proceeds of sales of bonds made pursuant to the provisions of chapter eight hundred and thirty-three of the Public Laws of one thousand nine hundred and nine; and,

Preamble.

Whereas, the said fund is largely in excess of the amount of money which said road commissioners can use at present or in the immediate future, and is necessarily in large part idle capital; and,

Preamble.

Whereas, it is deemed expedient that some arrangement be made whereby some income may be derived from said capital during the

time which will necessarily elapse before the whole of the same can be used by said road commissioners: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the road commissioners for Nashville Township road district appointed under said chapter eight hundred and thirty-three of the Public Laws of one thousand nine hundred and nine, be and they are hereby authorized, empowered and directed to make loans of said fund, or of such part thereof as they may deem expedient, taking as security therefor real estate mortgages or deeds of trust. Road commissioners to make loans.

SEC. 2. That no loan shall be made under the authority of this act except upon security, as above specified, which shall have been approved by said road commissioners and by the chairman of the board of commissioners of the county of Nash and by the attorneys of said road commissioners. Approval of security.

SEC. 3. That the interest accruing from such loans as shall be made under the authority of this act shall become and be a part of the fund derived from the sale of bonds as aforesaid, and shall be held by said road commissioners in like plight and condition as is the original fund, and be protected by their penal bond as fully to all intents and purposes as is said original fund. Interest added to road fund.

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

Ratified this the 27th day of February, 1911.

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#### CHAPTER 280.

AN ACT TO PREVENT THE DESTRUCTION OF QUAIL OR PARTRIDGE IN TROY TOWNSHIP, MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to shoot, hunt with dog, wound, maim, kill, trap or destroy any quail or partridge in Troy Township, Montgomery County, North Carolina. Plenary protection.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Punishment.

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

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

Ratified this the 27th day of February, 1911.

CHAPTER 281.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND KEEP-  
ING IN REPAIR THE PUBLIC ROADS OF FORSYTH COUNTY.

*The General Assembly of North Carolina do enact* ·

County commissioners.

SECTION 1. That the public roads of Forsyth County shall be constructed, repaired and managed by the board of commissioners for the county of Forsyth, and in the construction or repair thereof the board shall use whatever materials they deem best.

Materials.

Special road tax.

SEC. 2. The board of county commissioners for the county of Forsyth shall, in order to provide for the proper construction, improvements and maintenance of the public roads of said county, at their regular meeting in June of each year levy a special tax on all property subject to taxation under the State law in said county of not less than ten, and not greater than thirty-three and one-third cents on the hundred dollars valuation of property, and not less than thirty cents nor greater than one dollar 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 road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such stock, material, implements, wagons, road scrapers, rollers, camp outfits, quarters or stockades for the use of the county in working the roads, and for the safe keeping of the convict force, as may be found necessary in the proper carrying out of the 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 road improvements in the county, after estimating a sufficient amount to keep the roads in good repair in the several townships: *Provided,* that not less than seventy-five per cent of the whole road tax collected in the county in any one year shall be used for permanent road building, and repairing of such permanent roads as have already been built. Bridge building may be considered as permanent road work. The board shall also apply to road improvement and construction as much of the general county funds as may not be needed for other necessary purposes.

Rate.

Constitutional equation.  
Collection of tax.  
Separate fund.  
Specific appropriation.

Proviso: permanent improvements.

Proviso: apportionment for permanent work.

Bridges.

Apportionment from general fund.

Roads may be let to contract.

Use of convict force.

Officers and employees.

SEC. 3. The board shall have power to contract all or any part of the road construction or repairs to the lowest responsible bidder, or upon the best obtainable terms, and may let the county convicts to such contractor upon such terms as may be agreed upon, the county, however, to provide guards for the convicts in all cases.

SEC. 4. The board is authorized, in its discretion, to create and fill any positions which it may deem expedient for proper road

construction, repairs and maintenance, such as superintendent of road construction and repairs, superintendent of the convict force engaged in road work, highway engineer, any or all of which positions may be united in the same person; to fix the compensation of, and prescribe the forms and amounts of bonds which shall be given by such appointees for the faithful performance of their duties; to prescribe the powers and duties of such appointees and to authorize them to employ, subject to the approval of the board, such subordinates or employees as may be needed. The board shall have power, for causes which it deems good, and of which it shall be the sole judge, to discharge any appointee or employee at any time. The board may incur any expense which it deems needful in the examination of road work in other counties or States or to secure proper instruction in road work.

Compensation and bonds.

Power of discharge.

Examination and instruction.

SEC. 5. The permanent roads to be built, or improved, by the board of county commissioners, shall from time to time be determined upon and designated by the board, taking into consideration the needs of the whole county, and every part thereof, opening or improving those roads which in their opinion will be of benefit to the greatest possible number of the people of the county, and treating every section of the county with equal justice.

Designation of permanent roads.

SEC. 6. For the purpose of constructing, improving or repairing public roads, the superintendent of road work, or other person engaged in or connected with the road work, after first consulting the owner or his agent, shall have authority to enter upon any uncultivated land near to or adjoining the roads, or any improved or cultivated land when unencumbered by cultivated crops, to cut or carry away any timber except trees left for ornament or shade, to dig or cause to be dug and carried away any stones, gravel, earth or sand which may be necessary to construct, improve or repair said road; and to enter upon any land adjoining or lying near the road, to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible, and any person willfully obstructing such drains or ditches, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars for each day the obstruction remains. Any landowner considering himself damaged by reason of acts authorized in this section, may within sixty days from the commission of the act complained of, present his claim to the board, who shall pass thereon within thirty days, and the owner may within ten days from notice of the decision, appeal to the supreme court. If the owner shall not recover a greater amount than that offered in the decision of the board, he shall be taxed with all costs of the appeal.

Entrance on land for material.

Drains and ditches.

Obstruction of drains and ditches a misdemeanor.

Punishment.

Claims for damages.

Appeals.

Costs on appeal.

SEC. 7. The board of commissioners shall have power, on petition or on their own motion, to relocate, construct, widen or otherwise change public roads or parts thereof, and to lay out and construct

Location and change of roads.

new roads, when in their judgment the same will be advantageous to public travel, and for such purposes are authorized, through their agents, to enter upon lands to make the necessary surveys. Before doing any work of construction, apart from the surveys, the board shall give to the owner of land over which the proposed new road or change of road may run, at least five days notice in writing of a time and place when and where the board will consider the question of condemning the necessary land. If the landowner be a minor or insane, such notice shall be given to him and his guardians, or if there be no guardian, to the person with whom he is living. If the landowner be a nonresident or can not be found within the county, such notice shall be mailed to his last known address and published in a newspaper of Forsyth County at least seven days before the hearing. If the board shall find the proposed improvement advantageous to public travel and shall decide to condemn the land necessary for the road, they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation, the findings and order of the board shall not be subject to review. No strip of land wider than forty feet, with such additional width as may be necessary for cuts and fills, shall be acquired by condemnation. Upon making the order of condemnation, the board shall have authority, through their agents, to immediately take possession of the land described in the order and construct the road. If the landowner, after the road has been relocated or otherwise changed, or after the new road has been opened, shall consider himself damaged, and shall be unable to agree with the board as to the amount of damages, he shall within ninety days after opening, relocating or otherwise changing the road, apply to the clerk of the superior court for an assessment of damages. Five days notice of such application shall be given to the board of commissioners. The clerk shall appoint and cause to be summoned a jury of three disinterested freeholders to assess the damages, and shall, at the time of appointing the jury, fix the time and place of their meeting. If for any cause the jurors shall fail to so meet, they shall meet at such other time and place as may be fixed by them, after giving forty-eight hours notice thereof to the board and to the landowner or his attorney. The jurors being duly sworn shall, in considering the question of damages, take into consideration the benefits to the landowner and shall render a verdict for such amount, if any, as the damages may exceed the benefits, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly and shall tax the landowner with the costs of the assessment, if the damages assessed shall not exceed the amount offered by the board. Either the board or the landowner may appeal to the superior court within ten days from the filing of the report. If the landowner appeals, the clerk shall require him to give bond or make a de-

Entrance on land for surveys.

Notice to land-owners.

Order for condemnation of land.

Width of land condemned.

Possession of land.

Application for assessment of damages.

Notice of application.

Jury of assessment.

Proceeding for assessment.

Right of appeal.

Bond on appeal.

posit in a sum not exceeding one hundred dollars to secure such costs as may be recovered against him on appeal, and if the amount of damages recovered by him in the superior court shall not exceed the assessment appealed from, he shall be taxed with all the costs on the appeal. If the landowner make affidavit of inability, by reason of poverty to give the required bond or deposit, he shall be allowed to appeal without bond. The bond or deposit may be increased by the judge of the superior court. The appellate court shall in no wise adjudicate the necessity of the relocation, widening or other change, or of the opening of the road, but shall try under the rules of procedure of the superior court only the question of damages and benefits: *Provided*, that if the board shall desire to have the damages assessed before proceeding to the work of construction, and shall fail to agree with the landowner as to the damages, they shall within sixty days after the order of condemnation make application to the clerk accordingly, first, however, serving upon the landowner, in the manner as hereinbefore provided for condemnation, notice of such application. Upon hearing the application, the clerk shall appoint and cause to be summoned a jury of three disinterested freeholders who shall proceed and make report as hereinbefore directed, except that they shall separately state therein the damage if any caused by the survey or surveys, and the rights of appeal and proceedings on appeal shall be as hereinbefore set forth: *Provided*, that within ten days after the filing of the report, or before final judgment in the superior court, if any appeal shall have been taken, the board shall have the election to abandon the proposed road improvement or construction, and in such case the clerk, or the judge of the superior court, if an appeal shall have been taken, shall render judgment, so declaring, setting aside the order of condemnation, awarding to the landowner the damages actually sustained, and taxing the board with all costs.

Costs on appeal.

Jurisdiction of appellate court.

Proviso: assessment of damages prior to work.

Proviso: power of commissioners to elect.

SEC. 8. Any person who shall obstruct the engineer, road superintendent or other agent, subordinate or employee, in making a survey or engaged in any road work, under authority of the board of commissioners, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Obstruction of work a misdemeanor.

Punishment.

SEC. 9. The board shall have authority to discontinue any public road at discretion which they may deem unnecessary, first, however, giving the landowners affected five days notice when and where they may be heard upon the question of discontinuing such road, or the board may convert unnecessary public roads into cartways. They shall also have authority to establish or discontinue cartways, in the manner as provided in sections two thousand six hundred and eighty-six and two thousand six hundred and ninety four of The Revisal except that the words "board of commissioners"

Discontinuance of road.

Notice to landowners.

Cartways.

shall be substituted for the words "board of supervisors of the township," and for the provisions for appeal to the board of commissioners shall be stricken out.

Treasurer to keep separate accounts.

SEC. 10. The county treasurer shall keep a separate account of the road funds of the county, and of his disbursements of the same; keeping, however, the disbursements on permanent roads separate and distinct from the disbursements on the repair work done on the roads in the several townships, keeping each township's disbursements separate; and he shall make a written report thereof to the board of county commissioners at their regular meeting giving a statement of the disbursements from the road fund since the last meeting of the board, which report shall be filed with the clerk of the board.

Reports of treasurer.

Annual publication of statement.

SEC. 11. The clerk of the board shall annually within six days next before the first Monday of December of each year, make out and certify, and cause to be published in a newspaper printed in the county, a statement of the preceding year showing the amount of taxes collected in the county for road purposes, the amount expended in each township for repair of roads in such township; for the building of bridges and repairs thereof; the amount paid out for opening of new roads; the amount of road machinery purchased during the year and the amount of stock purchased and the cost of each, and the amount of road machinery and stock on hand; the amount of permanent road work done and the cost thereof on each road separately.

Stock, implements and machinery.

Additional road machinery.

SEC. 12. The stock and road implements, and machinery belonging to the county may be used upon both the permanent and repair work, upon the roads in the county, and the board of county commissioners are empowered to purchase additional road machinery from time to time as the same may be needed for keeping the roads of the county in good condition, and also for doing permanent road work.

Prisoners subject to work on roads.

SEC. 13. That all male prisoners confined in the county jail of Forsyth County under final sentence of the court for crime or imprisonment for nonpayment for cost or fines, or under the vagrant acts, all male insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all male persons sentenced in said county to the State's Prison for a term of less than ten years shall be worked on the public roads of the county. Judges of the superior court or the judges of the criminal court, the justices of the peace, and the recorder, police justice or judge of any municipal court, may assign such persons convicted in his court to 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*, that in case of serious physical disability certified to by any county physician or other satisfactory reason

Sentences to road work.

Maintenance and care of convicts. *Proviso*: physical disability.

appearing to the presiding judge, said person so convicted may be sentenced to the penitentiary or to the county jail.

SEC. 14. Upon application of the chairman of the county commissioners, to the judge of the superior court presiding in the adjoining counties, or any other counties in the same or adjoining judicial districts, which do not otherwise provide for the working of their own convicts on the public roads, said judge may sentence such able-bodied male prisoners, as are described in the preceding section, from such adjoining counties in the same and adjoining judicial districts to work the public roads of Forsyth County; and the cost of transporting, guarding and maintaining such prisoners as may be sent to Forsyth County shall be paid out of the road fund for Forsyth County: *Providing*, 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 Forsyth County road fund.

Convicts from other counties.

Cost of transportation, guarding and maintenance. Proviso; return of prisoners.

SEC. 15. It shall be the duty of the board to purchase supplies and provisions at the best price obtainable, as they may be needed from time to time, and they may advertise for bids for supplies for the support of the convicts, and all other necessaries during each year. Said bids shall be sealed and filed with the clerk of the board.

Purchase of supplies and provisions.

SEC. 16. The board of county commissioners may make an allowance to the clerk of the board for the extra work done as clerk as provided for in this act.

Allowance to clerk.

SEC. 17. There shall be elected at the general election to be held in the year one thousand nine hundred and twelve and every two years thereafter by the qualified voters of the county of Forsyth, with other county officers, one road supervisor for each township, who shall be a resident of the township for which he is elected; said supervisors shall qualify and enter upon the duties of their office on the first Monday of December next succeeding their election, and shall hold their office for the term of two years, and until their successors shall be elected and qualify.

Election of road supervisors.

Term of office.

SEC. 18. It shall be the duty of the township road supervisor to attend the regular meetings of the board of county commissioners in January, April, July and October of each year, and such other meetings as they may be notified to attend by the chairman of the board, for the purpose of informing the board of the condition and needs of the roads of their respective townships. At said meetings in January, April, July and October, the supervisors shall submit to the board of county commissioners written reports specifying the condition of the roads in their respective townships, and the nature and extent of the work which they may deem necessary for improvement and repairs, and setting forth such recommendations as they may deem needful, for making changes in roads or in opening new roads. For attending such meetings the supervisors shall each re-

Supervisors to attend meetings quarterly.

Quarterly reports.

Compensation of supervisors.

ceive compensation not exceeding two dollars per day, and mileage not exceeding five cents per mile.

Township road work.

Supervisors to submit specifications.

Work authorized.

Emergency work.

Proviso; limit of expense for emergency work.

Compensation of supervisors.

Sworn statements.

Report of statements.  
Employment of laborers and

Rules and regulations.

Vacancies.

Work in cities or towns.

SEC. 19. Such work of repairing, and keeping in repair, the roads in the several townships as may not be done by the county road force, outfit and machinery, shall be done by the township supervisor with hired labor. Before doing any work the supervisor shall submit to the board a written statement specifying the nature, extent and probable cost of the contemplated work, and the board shall authorize said supervisor to do so much of said work as the board may deem necessary, and which can not be advantageously or conveniently done through the county road force, outfit and machinery. The board may also, in its discretion, from time to time, authorize the supervisors to expend, as may be necessary, up to certain amounts, on emergency repair work which can not without public detriment be reported before doing the work: *Provided*, that the amounts allowed to any supervisor for emergency work shall not exceed in the aggregate one hundred dollars for any one year.

SEC. 20. The township supervisors shall receive as compensation not exceeding two dollars per day, for such time as they are actually employed in working hands on the roads in their townships. They shall keep a regular account of the time necessarily employed by them, and the expenses necessarily incurred by them, with the date of each item thereof, and render a sworn statement thereof to the chairman of the board of commissioners, and the clerk of the board shall make report thereof to the next meeting of the board. No supervisor shall, without permission from the board, employ any member of his immediate family as laborers, nor shall any supervisor hire any of his own teams in doing the work in his township. The board of commissioners shall have power to prescribe such rules and regulations relating to the working of the roads by the supervisors as may not be inconsistent with the provisions of this act.

SEC. 21. Vacancies occurring from any cause in the office of any supervisor shall be filled by the board of county commissioners, and said board for cause which it deems good may remove any supervisor from office.

SEC. 22. The board of county commissioners shall have power in its discretion to expend part of the county road funds in the construction, improvement and repair of public highways and bridges within any incorporated city or town in the county. Said board may, with the consent of the governing board of such city or town, conduct the work on such highways and bridges under the provisions of this act, or pay over to the governing board of the city or town a part of the county road fund, to be applied by the governing board of the city or town in constructing, improving or repairing such highways and bridges in the city or town as the board of county commissioners may designate: *Provided*, that not less than

twenty per cent of the amount of the special road tax collected in any one year from Winston Township shall be expended in permanent road work or repairs within a radius of two miles of the courthouse. Proviso: work in Winston Township.

SEC. 23. Chapter twenty of the public laws of one thousand nine hundred and seven and all other laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 24. This act, except section seventeen thereof, shall not take effect until the first Monday of December in the year one thousand nine hundred and twelve. When act effective.

Ratified this the 27th day of February, 1911.

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### CHAPTER 282.

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO LEVYING A SPECIAL STOCK LAW TAX IN RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand six hundred and eighty-five of The Revisal of one thousand nine hundred and five, be amended by striking out in line six the words "one-fourth of one per centum," and inserting in lieu thereof the words "two-thirds of one per centum." Tax rate.

SEC. 2. That this act shall apply to Randolph County only. Application of act.

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

Ratified this 27th day of February, 1911.

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### CHAPTER 283.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HYDE COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of commissioners of Hyde County be and they are hereby authorized and empowered to levy a special tax not to exceed twenty cents on the one hundred dollars valuation of real and personal property in said county annually for two years, to wit: the years one thousand nine hundred and eleven (1911) and one Special tax authorized.  
Rate.  
Term.

Purpose. thousand nine hundred and twelve (1812), to be expended and applied to the payment of the indebtedness and current expenses of said county.

Levy and collection. SEC. 2. That said taxes shall be levied and collected as other public taxes are levied and collected in said county.

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

Ratified this 27th day of February, 1911.

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#### CHAPTER 284.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUYING A SUITABLE FARM AND BUILDING THEREON FOR A COUNTY HOME FOR THE AGED AND INFIRM OF SAID COUNTY, AND TO AUTHORIZE AND EMPOWER SAID BOARD OF COMMISSIONERS TO LEVY A SPECIAL TAX TO PAY INTEREST ON SAID BONDS AND TO PROVIDE FOR A SINKING FUND TO PAY SAID BONDS AT MATURITY.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.

SECTION 1. That the board of county commissioners of Onslow County is hereby authorized and empowered to issue bonds in the name of Onslow County in such denominations and forms as the said board may determine, in an amount not to exceed ten thousand dollars (\$10,000), payable at such times and places as the said board of county commissioners may prescribe, for the purpose of purchasing a suitable farm and erecting thereon houses and buildings for the care of the aged and infirm of said county: *Provided*, that the said bonds shall run twenty years from the date of issue, with the option to the county to pay any or all of said bonds at the expiration of ten years from date of issue.

Amount.

Purpose of issue.

Proviso: maturity.

Interest.

SEC. 2. That the said bonds shall bear interest at a rate to be determined by the board of commissioners of said county not greater than five per cent per annum, and the interest shall be made payable annually, or semi-annually, as the said commissioners shall prescribe.

Authentication.

SEC. 3. That the said bonds shall be signed by the chairman of the board of county commissioners of Onslow County, attested by the clerk of said board and sealed with the seal of said board, and shall have the interest coupons attached thereto, which said bonds and their coupons shall be exempt from State, county and municipal taxation, and the coupons shall be receivable in the payment of taxes due to said county of Onslow.

Exemption from taxation.  
Coupons receivable for tax.

SEC. 4. That for the purpose of paying the said bonds at maturity and the said coupons as they become due, it shall be the duty of said board of county commissioners, and it is hereby authorized and empowered to levy and collect as all other taxes are levied and collected each year a sufficient special tax upon all subjects of taxation which are now and may hereafter be embraced in the subjects of taxation under the general law of the State to pay the interest on said bonds and provide a sinking fund to pay said bonds at maturity. Tax for bonds and coupons.

SEC. 5. That the said board of county commissioners of Onslow County shall, at the same time they levy their taxes for State and county purposes, levy each year, for the purpose of paying the interest coupons and providing a sinking fund to pay said bonds at maturity, such rate of taxation on all subjects of taxation as will in their judgment be sufficient to pay said coupons and provide for said sinking fund: *Provided*, that not more than one thousand dollars shall be levied a year for the purpose of providing said sinking fund. Tax for interest and sinking fund.  
Proviso: limit of tax for sinking fund.

SEC. 6. That the money derived from the sale of the bonds herein provided for shall be used by the county commissioners of Onslow County for the purpose of purchasing a farm and locating thereon homes suitable for the care and comfort of the aged and infirm of the county of Onslow and for the purpose of equipping said farm and for no other purpose. Appropriation of taxes.

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

Ratified this 27th day of February, 1911

CHAPTER 285.

AN ACT FOR THE BETTER PROMOTION OF THE IMPROVEMENT OF THE PUBLIC ROADS OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter two hundred and eighty-one of the Public Laws of North Carolina of one thousand nine hundred and nine, entitled "An act to improve public roads of Wake County," be and the same is hereby repealed. Section repealed.

SEC. 2. That in lieu of said section two, of said chapter two hundred and eighty-one, of said Public Laws of North Carolina of one thousand nine hundred and nine, the following "section two" be and the same is hereby inserted as section two of said chapter two hundred and eighty-one, and made a part thereof. New section.

"Sec. 2. As soon as may be after the adoption of the provisions of this act, the board of county commissioners for the county of General supervisor of roads.

Assistant.	Wake shall elect a general supervisor of roads for the county (and he may appoint an assistant by and with the consent of the board of county commissioners for said county) and may appoint such
Employees.	other employees as may be necessary. That said supervisor of roads
Term of office.	and his assistant shall hold office for twelve months from the date of their election or appointment and until their successors are appointed and qualified: <i>Provided</i> , that he or they, or either of them,
Proviso: removal.	shall not have been sooner removed from office by said board of commissioners. The general supervisor of roads and his assistant
Direction and control of county commissioners.	shall be under the direction and control of the board of county commissioners for said county. And the said board of commissioners
Power of removal.	may, whenever in the opinion of a majority of said board the public good would be promoted thereby or the public interest so require, and in its discretion summarily remove or suspend from office any person, officer or agent elected, appointed or employed, under or by authority of this act, or under or by virtue and authority of said chapter two hundred and eighty-one of Public Laws of one thousand nine hundred and nine, and also under or by authority of section one thousand three hundred and twenty-seven of volume one of The Revisal of one thousand nine hundred and five of North Carolina.
Qualifications and duties of supervisor.	That said general supervisor of roads shall be experienced and trained in the work of road construction and building of highways; and it shall be his duty, subject to the direction of the said board of county commissioners, to supervise and have charge of the building and maintenance of all highways in said county, and the maintenance of all bridges and fords of said county; and he shall submit
Monthly reports.	a monthly report showing the condition of highways and bridges, works in progress, suggesting plans for improvement of the same, and such other matters and things as appertain to his duties as such supervisor, and as may be required of him by said board of county commissioners. And it shall be his duty as such general supervisor of roads to purchase all supplies, tools, machinery and other necessary things appertaining to his department, under direction of and by and with the advice and consent of the said board of county commissioners: <i>Provided</i> , that said board of county commissioners may, whenever it deems best, relieve him of said duty and impose the same upon another, to be chosen by said board. The said general supervisor of roads before entering upon the duties of his office shall deposit with the said board of county commissioners a bond payable to the State of North Carolina, to be approved by the board, in the sum of not less than two thousand dollars, conditioned that he will faithfully discharge the duties of his said office and faithfully account for and turn over, upon demand, to said board or any one under its direction, all property coming into or that ought to have come into his hands by virtue of his said office, which bond shall be duly recorded in the office of the register of deeds for said county, and filed with the clerk of the superior court
Purchases.	
Proviso: powers of commissioners.	
Bond of supervisor.	

of said county. That said assistant shall execute a similar bond, Bond of assistant. except that the amount thereof may be in a less amount in the discretion of the board. In case of any vacancy occurring in the said Vacancies. office of general supervisor of roads, either by removal, resignation or otherwise, the said board of county commissioners shall fill the same. That the salary of the said general supervisor of roads, and Salaries. wages of others employed under this act, shall be fixed by the board of county commissioners."

SEC. 3. Strike out the words "superintendent of roads" and the General supervisor. word "superintendent" wherever they may appear in said chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and nine, and in lieu thereof insert the words "general supervisor."

SEC. 4. That said chapter two hundred and eighty-one of the Law re-enacted. Public Laws of one thousand nine hundred and nine, as hereby amended, be and the same is hereby re-enacted.

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

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

Ratified this the 27th day of February, 1911.

#### CHAPTER 286.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FOUR, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO THE PUBLIC ROADS OF SELMA TOWNSHIP, JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter five hundred and four, Road commissioners. Public Laws of one thousand nine hundred and seven, be amended by adding to the board of road commissioners therein named the following: "M. C. Winston, N. E. Edgerton S. P. Wood and N. E. Ward"; that said section three be further amended by striking out lines four and five, and inserting in lieu thereof the following: "Chas. F. Kirby and C. W. Richardson shall hold office for six years, Term of office. Dr. R. J. Noble and M. C. Winston for four years, and N. E. Edgerton and S. P. Wood for two years, and N. E. Ward for one year." That the word "two" in line eight between the words "the" and "remaining" be and the same is hereby stricken out.

SEC. 2. That section fifteen of said chapter five hundred and four, Public Laws of one thousand nine hundred and seven, be and the same is hereby repealed, and the following is substituted in lieu thereof: "That to further provide for constructing, working and

Election on bond issue.

improving the public roads of said Selma Township, the board of commissioners of Johnston County are hereby authorized, empowered and directed to submit to a vote of the qualified voters of Selma Township at any time within twelve months from the ratification of this act, upon the request of said board of road commissioners, the question, "Shall Selma Township, in the county of Johnston, State of North Carolina, issue thirty thousand dollars of its bonds, with interest coupons attached, to repair, make and improve the public roads in said township?" Said board of county commissioners shall, for at least thirty days preceding said election, give public notice of said election and the purpose thereof, by publication in some newspaper published in said county.

Notice of election.

Annual publication of receipts and disbursements.

SEC. 3. That the following additional section be added to said chapter five hundred and four of the Public Laws of one thousand nine hundred and seven, to wit: "That it shall be the duty of the board of road commissioners of Selma Township to publish annually, either in a newspaper published in the county of Johnston, or at three public places in Selma Township, an itemized, sworn statement of all receipts and disbursements of funds provided for by this act, as well as chapter five hundred and four, Acts one thousand nine hundred and seven.

Law continued in force.

SEC. 4. Except as herein expressly amended, said chapter five hundred and four, Public Laws of one thousand nine hundred and seven, is hereby declared to be in full force and effect, and the enlarged board of commissioners of said public roads is vested with full power and general supervision over the public roads of said Selma Township, and a rejection of the bonds herein provided for shall in nowise repeal or affect the provisions of this act.

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

Ratified this the 27th day of February, 1911.

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## CHAPTER 287.

### AN ACT TO ESTABLISH IN GASTON COUNTY A DRAINAGE DISTRICT TO BE KNOWN AS LONG CREEK DRAINAGE DISTRICT.

*The General Assembly of North Carolina do enact:*

Drainage district constituted.

SECTION 1. That the lands in Gaston County, on the waters of Long Creek, defined in section two hereof, shall be constituted a drainage district to be known as the "Long Creek Drainage District," to exist for a period of thirty (30) years from the ratification hereof; and it is hereby declared that the drainage of said district shall be considered a public benefit, and conducive to the public health, convenience, utility and welfare.

Name.  
Term.

Public benefit declared.

SEC. 2. The lands lying on the waters of Long Creek, above the shoal in said creek on the lands of Lou and Jap Pest and extending up said creek and the tributaries thereof to their sources and four hundred and forty (440) yards on each side of said creek and tributaries thereof, shall be included in said Long Creek Drainage District. For the purpose of locating the boundary of said Long Creek Drainage District, the following method of survey shall be adopted: Lands included in district.

Beginning at the lower boundary of said district, a point shall be established in the center of the bed of Long Creek, as such bed shall be fixed in accordance with the terms of this act, and at each three hundred (300) feet above said point in the center of the bed of such creek and each of the tributaries thereof, other points shall be established. The lines joining such points in the main creek and line joining such points in the tributaries thereof shall be the center lines of said district. On each side of said center line and four hundred and forty (440) yards therefrom, shall be drawn lines parallel to each section of said center line, and all lands embraced between such side lines or such side lines produced to an intersection, shall be included in said Long Creek Drainage District. Method of survey.

SEC. 3. That M. V. Ramseur, S. L. Kiser, J. L. Phifer, M. C. Arrowood and M. L. Plonk, and their successors in office as hereinafter determined, are appointed a board of commissioners of said Long Creek Drainage District, with the powers and duties hereinafter enumerated. And if any of said commissioners shall refuse to act, or if a vacancy shall occur, such vacancy shall be filled by the election of some landowner within said district by the remaining members of said board of commissioners. Commissioners appointed.

SEC. 4. The board of commissioners herein provided for shall meet for organization not later than April first, one thousand nine hundred and eleven, at a place and time to be designated by M. L. Plonk, written notice of which place and time shall be given at least ten days before the time of such meeting to each of said board of commissioners by said M. L. Plonk, at which place and time they shall proceed to organize by electing one of their number chairman and one of their number secretary; and they shall have power to appoint such committees as the management of said drainage district may in their judgment necessitate. Meetings of said board may be called from time to time by the chairman or by any three of said board of commissioners, by giving at least ten days written notice of such meeting. A written record of all the proceedings and acts of said board of commissioners shall be kept by the secretary and shall be open to the inspection of any landowner within said district. Vacancies.

SEC. 5. The board of commissioners shall have the power, and it shall be their duty, either by a full board, or by such committee of their number as it may appoint, not later than the first day of June, one thousand nine hundred and eleven, to view the lands em- Meeting for organization.

Notice of meeting.

Organization.

Committees.

Called meetings.

Record of proceedings.

View of lands and determination of work.

Assessment of damages.	braced within said district and determine what work shall be done, with a view to deepening, widening, straightening or changing the channel of said Long Creek and its tributaries, or of leveeing, dyking or damming said creek and its tributaries, or any other work necessary for the proper drainage of said drainage district; and shall proceed at the same time to assess any and all damages which may be caused by such work to any landowner in said district, and shall give to each landowner the result of their findings as to the work necessary to be done and the damages assessed. Within ten days of said notification, any landowner may appeal to the superior court of Gaston County from the findings of said commissioners as to the damages assessed, by giving written notice to said commissioners of such appeal, and shall perfect said appeal by filing in the office of the clerk of the superior court of Gaston County a copy of the findings of said board and the exceptions of said landowner thereto; and it shall be the duty of the clerk of the superior court of Gaston County to docket such appeal for trial at the next ensuing term of the superior court of Gaston County.
Appeals to superior court.	
Appeals docketed.	
Beginning and prosecution of work.	SEC. 6. The board of commissioners shall have power forthwith to begin and prosecute to completion such work as it shall find is necessary to be done for the proper drainage of said district; and shall have power to borrow money not exceeding the sum of five thousand dollars (\$5,000) for such work; and shall have power to employ labor and supervise the work to its completion themselves, or let the same to contract to the lowest reputable bidder.
Power to borrow money.	
Amount.	
Power to supervise or let work to contract.	
Examination of land.	SEC. 7. The said board of commissioners shall have power, and it shall be their duty, to personally examine the land in the district and classify it with reference to the benefit it will receive from the construction of the levee, ditch, drain or watercourse, or other improvement. The land shall be separated into six classes, the land receiving the highest benefit shall be marked "Class A," that receiving the next highest benefit "Class B," that receiving the next highest benefit "Class C," that receiving the next highest benefit "Class D," and that receiving no benefit "Class F." The holdings of any one landowner need not necessarily all be in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground. The total number of acres owned by one person in each class, and the total number of acres benefited shall be determined. The total number of acres in each class in the entire district shall be obtained and recorded in tabulated form.
Classification of land.	The scale of assessment upon the several classes of land shall be in the ratio of five, four, three, two, one and nothing; that is to say, as often as five mills per acre is assessed against the land in Class A, four mills per acre shall be assessed against the land in Class B, three mills per acre shall be assessed against the land in Class C, two mills per acre shall be assessed against the land in Class D,
Scale of assessment.	

and one mill per acre shall be assessed against the land in Class E, and no assessment shall be made against the land in Class F. This shall form a basis of assessment of benefits to the land for drainage purposes. The board of commissioners shall notify each landowner of the classification of his land, and the landowner shall have the right, within ten days from the service of such notice of classification, to appeal therefrom to the superior court of Gaston County. If such appeal be taken it shall be conducted as to notice, perfecting, etc., as provided for appeals in section five hereof.

Notification to landowners.

Right of appeal.

SEC. 8. The said board of commissioners shall have power either to prosecute said work to completion and assess to each landowner his proportion of the actual cost thereof, or to estimate as accurately as may be the probable cost of such work, and assess to each landowner his proportion of such probable cost, to be collected during the progress of said work; and if such estimate shall be found to be insufficient to pay the cost of such work in full, to make such additional assessment from time to time as shall be necessary to raise the full amount of the cost of such work. And the chairman of the said board of commissioners shall have power, and it shall be his duty, to institute an action in the superior court of Gaston County, in the name of the board of commissioners, against any landowner who fails or refuses to pay his assessment, and shall prosecute same to judgment, and the process for the collection of such judgments shall be as provided by law in civil actions; and all assessments made hereunder are hereby declared to be a lien as for special tax upon the land of the landowner within said district, to be due and payable within thirty (30) days after notice thereof in writing has been given by the said board of commissioners to said landowner.

Collection of assessments.

Additional assessments.

Action for assessments.

Assessments a lien on land.

SEC. 9. It shall be the duty of the board of commissioners to keep in repair said creek and its tributaries, for the proper drainage of said district during the term herein specified; and to assess and collect the necessary costs thereof in accordance with the plan herein provided for the assessment and collection of the original cost of such work.

Maintenance of repairs.

Assessment and collection of costs.

SEC. 10. The board of commissioners shall receive no compensation for the performance of any of the duties rendered hereunder, except for such time as they shall be actually engaged in viewing or surveying such district, and for this service shall receive a compensation not exceeding two dollars (\$2) per day: *Provided*, that any member of said board of commissioners who is actually employed to do labor upon said work, or who, by competitive bidding, may become a contractor for said work, shall receive such compensation as may be determined upon by the said board of commissioners.

Pay of commissioners.

SEC. 11. Any one who shall hinder, delay or obstruct, or in anywise interfere with, the survey, the locating or the work of con-

Obstruction to work or ditches a misdemeanor.

struction of such drainage system, or shall place in such ditches as shall be constructed, any obstruction whatever to the free flow of the water therein, shall be guilty of a misdemeanor.

Construction of act. SEC. 12. This act shall not be construed to repeal any public drainage law which is applicable to the lands embraced in said district; but shall be a cumulative method provided for the drainage thereof.

SEC. 13. This act shall be in force from and after its ratification. Ratified this the 27th day of February, 1911.

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### CHAPTER 288.

AN ACT TO ALLOW J. O. BELL, A JUSTICE OF THE PEACE IN AND FOR GREEN RIVER TOWNSHIP, IN HENDERSON COUNTY, TO APPOINT A CONSTABLE.

*The General Assembly of North Carolina do enact*

Appointment authorized.

SECTION 1. That J. O. Bell, a justice of the peace in and for Green River Township, in Henderson County, is hereby authorized and empowered to appoint a constable for Green River Township, in Henderson County, which constable, when so appointed, shall have power and authority in said township and county given by law to all constables in their several townships in said county, and he shall give a like bond for the faithful performance of his duties.

Power and authority.

Bond.

Police powers.

SEC. 2. That the said constable, when so appointed, shall have within the limits of one mile in all directions from the cotton mill of the Green River Manufacturing Company, in said township and county, the powers and authority given under the law as published in The Revisal of one thousand nine hundred and five of North Carolina, to marshals and policemen of cities and towns in the State.

Term of office.

SEC. 3. That the said constable, when so appointed by the said Bell, shall continue in office until the expiration of the term of office of the said Bell as a justice of the peace, namely, the eighth day of March, A. D. one thousand nine hundred and fifteen, or until said constable shall die, resign, remove from said township, or be removed from office for good cause shown; and, in the event the appointee of the said Bell shall die, resign, remove from said township, or be removed from office, the said Bell shall have the right, power and authority to immediately appoint a successor to hold said office until the expiration of the term of office of the said Bell as a justice of the peace.

Report of appointment.

SEC. 4. That the said J. O. Bell shall appoint said constable and make report of said appointment to the clerk of the superior court

of Henderson County within thirty days after the ratification of this act, which said appointment and report shall be in writing under the hand and seal of the said J. O. Bell, justice of the peace.

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

Ratified this the 27th day of February, 1911.

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CHAPTER 289.

AN ACT TO PREVENT DEPREDAATION BY DOMESTIC FOWLS  
IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons, who raise or own any domestic fowls, such as chickens, guinea fowls, geese, ducks and turkeys, to permit said domestic fowls to run at large on the lands of another person while such lands are under cultivation in any kind of grain or feed crop, or while being used for gardens or ornamental purposes, after said owner of said domestic fowls has been notified that said fowls are committing depredations upon the lands of another person.

Notice to owner of fowls.

SEC. 2. That any person or persons so permitting his or their domestic fowls to run at large, after having been notified that said fowls are depredating upon the lands of another person, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than ten dollars for each and every day that said fowls are allowed to run at large: *Provided*, that this act shall apply only to the county of Caldwell.

Permitting fowls at large after notice a misdemeanor.

Punishment.

Proviso: application of act.

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

Ratified this the 27th day of February, 1911.

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CHAPTER 290.

AN ACT TO REGULATE FISHING AND HUNTING IN YANCEY  
COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt or fish on the lands of another in Yancey County, without first having obtained written permission from the owner thereof, punishable by a fine of not less than ten dollars, and not exceeding fifty dollars or imprisoned not exceeding thirty days.

Hunting or fishing without written permission of land-owner forbidden.

Punishment.

Streams protected. SEC. 2. That it shall be unlawful to fish in Cain River, Bowland's Creek and its tributaries, Ayler's Creek and its tributaries, South Toe River and its tributaries, until after the expiration of three years after the ratification of this act, and any person so offending shall, upon conviction, be fined not less than ten dollars, and not exceeding fifty dollars or imprisoned not exceeding thirty days, and in defining each offense shall be construed the taking or destroying of a single fish.

Punishment.

Limit of protection.

SEC. 3. The provisions of section two of this act shall not apply to that portion of Cain River south of the northern boundary line of the Murchison boundary.

Dams and barriers to have fishways.

SEC. 4. That it shall be unlawful for any person, firm or corporation to own, maintain or construct any obstruction, dam or other barrier in any stream in Yancey County, which will prevent the running or passage of fish in said waters, and all such obstructions, dams or barriers as are now constructed across said waters shall, within six months after the date of the ratification of this act, construct and maintain an ample, sufficient and permanent passage for fish past such obstruction, dam or barrier, which such passage must be allowed to remain open not less than eight hours of the twenty-four hours every day, and any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Misdemeanor.  
Punishment.

Use of explosives forbidden.

SEC. 5. That it shall be unlawful for any person to place in the waters of Yancey County any dynamite or other explosive calculated to injure or destroy any fish in said waters, and any person so offending shall, upon conviction, be fined not less than twenty-five dollars or imprisoned, in the discretion of the court.

Punishment.

Application of act.

SEC. 6. The provisions of this act shall only apply to Yancey County.

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

Ratified this the 27th day of February, 1911.

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## CHAPTER 291.

### AN ACT REGULATING THE HUNTING OF FOXES IN THE COUNTIES OF MOORE AND LEE.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person to hunt foxes, with gun or dogs, or trap or carry out of the State any fox between the first day of March and the first day of October of each year.

Misdemeanor.  
Punishment.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five

dollars nor more than fifty dollars, or imprisoned not more than thirty days.

SEC. 3. That this act shall apply to the counties of Moore and Lee only. Application of act.

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

Ratified this the 27th day of February, 1911.

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### CHAPTER 292.

AN ACT TO AMEND CHAPTER 792, PUBLIC LAWS OF 1907, AND CHAPTER 861, PUBLIC LAWS OF 1909, RELATING TO THE DUNN ROAD DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and ninety-two (792), Tax rate. Public Laws of one thousand nine hundred and seven (1907) be and the same is hereby amended as follows: In section fifteen, lines nine and ten, strike out the words "twenty-five cents" and insert in lieu thereof the words "thirty cents," and in line eleven strike out the words "seventy-five cents" and insert in lieu thereof the words "ninety cents."

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.

Ratified this the 27th day of February, 1911.

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### CHAPTER 293.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF CAMDEN COUNTY TO LEVY AND COLLECT A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Camden County be and they are hereby authorized and empowered to levy a special tax Special tax authorized. in the year 1911 and annually thereafter until the purpose for which Term. this act is passed is accomplished, at the same time and in the same manner with the levies of other county taxes in said years on all taxable property and polls in said county, for the purpose of paying Purpose of tax. off the indebtedness of said county, incurred in building or remodeling the jail and other necessary county expenses.

Rate.

SEC. 2. That the special tax, as provided in section one of this act, shall not exceed twenty (20) cents on the one hundred dollars valuation of property and sixty (60) cents on each taxable poll, and in making the levy, the county commissioners shall observe the constitutional equation between the property tax and the poll tax.

Constitutional equation.

Collection and settlement.

SEC. 3. That the said taxes shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner and under the same penalties and at the same time as other taxes levied for said county.

SEC. 4. That 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 the 27th day of February, 1911.

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#### CHAPTER 294.

### AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF MOUNT AIRY TOWNSHIP, IN SURRY COUNTY, AND TO AUTHORIZE THE LEVYING OF A SPECIAL TAX THEREFOR.

*The General Assembly of North Carolina do enact:*

Commissioners incorporated.

SECTION 1. That J. A. Hadley, A. E. Smith, R. F. Saunders, J. B. Sparger, Vestal Taylor and R. L. Gwyn and their successors in office are hereby incorporated under the name of the "Highway Commissioners of Mount Airy Township."

Corporate name.

Political affiliation.

SEC. 2. Said commission shall always consist of an equal number of members of opposite political beliefs, to be designated by the General Assembly as their terms expire, except as hereinafter provided, and of those named J. A. Hadley, R. F. Saunders and A. E. Smith shall hold office for six years, J. B. Sparger, Vestal Taylor and R. L. Gwyn shall hold office four years. Should a vacancy occur by death, resignation, removal or otherwise, the same shall be filled by the said commission by choosing some one of the same political faith as was the member whose place became vacant, and such successor so chosen shall hold until his successor shall be chosen by the succeeding legislature, and shall qualify.

Terms of office. Vacancies.

Selection of roads for improvement.

SEC. 3. Said highway commission shall have the supervision, power and right in respect to all the public roads they shall elect to improve in Mount Airy Township, they shall have the rights at their discretion to select the most needed and most used public roads in said township and improve, macadamize, grade or otherwise improve the same, spending equal sum on each road begun; then next most needed and most used roads, until all the public highways in said township shall be repaired, built and constructed as pro-

Equal apportionment.

Roads worked serially.

vided in this act. That said highway commission shall, at the regular meeting, select the road or roads they intend to first improve and shall publish such purpose by poster or otherwise as they may deem sufficient, and shall have full power and authority to order the laying out such public road or roads when necessary in its judgment, and to discontinue such as shall be found useless, and to alter roads so as to make them more useful: *Provided, however,* that nothing in this act shall be construed to interfere with the supervisors' power and control as is now vested in either the board of county commissioners of Surry County, or the board of supervisors of public roads of Mount Airy Township, except as herein provided and the power and authority to lay out cartways, church and mill roads and to alter or discontinue the same in the same way and manner as is now provided in the general laws, and the repairing, working and supervision of the same shall be and remain under the general law, except as to such highway and public roads as the highway commission shall assume jurisdiction and control as is hereafter provided.

Publication of roads selected.

Power to lay out or discontinue roads.

Proviso: powers of supervisors and county commissioners.

Cartways, church and mill roads.

SEC. 4. That said highway commission shall meet in the town of Mount Airy within ten days after the publication of this act and shall organize by electing one of their number president, who shall preside at all meetings of said commission, they shall also elect one of their members secretary, who may be *ex officio* treasurer of said commission, and shall keep a record of the proceedings of the said commission and shall deliver the same to his successor in office. The said secretary and treasurer shall enter into a bond in the penal sum of not less than double the amount of the road tax for said township that shall come into his hands during the current year. Said bond when approved by the commission, shall be recorded in Surry County and filed with the official bond in the register's office, and the amount of said bond shall be increased or may be diminished at any time, by order of the commission, provided the same shall always be sufficient to cover the amount of funds in hand. That any bank in said township may act as treasurer, except that only such bank or banks that will pay interest on their deposits, shall be designated as treasurer and that the said commission shall have the authority to require said treasurer to keep all the funds in his hands on deposit in one or more banks in Mount Airy Township, and may also require such depositors to execute a surety bond covering such deposits in addition to the bond required by the treasurer, the premium of said depositor's bond shall be paid by the bank.

Meeting for organization.

Organization.

Bond of secretary and treasurer.

Bank as treasurer.

Interest on deposit.

Deposit of funds.

Surety bond for deposits.

SEC. 5. The treasurer of said commission shall make all payments out of the road funds belonging to said township only upon the written order of the commission, signed by the president and sec-

Road orders.

retary of the commission, and a strict record of each order drawn shall be kept, showing the object for which issued.

Moneys to be paid over to treasurer.

SEC. 6. All road taxes for Mount Airy Township which are now in the hands of the treasurer, or that may hereafter be collected by the sheriff of Surry County or by a properly constituted tax collector for said Mount Airy Township, shall be paid over to the treasurer of said highway commission, who shall give a receipt therefor. The said sheriff or tax collector for said township shall pay over promptly all road taxes collected by him and shall at no time retain any portion of said special road tax funds which may come into his hands, the sheriff or collectors shall not apply the special road taxes of Mount Airy Township to the payment of any other claims, which may be drawn on him or them, but he or they shall at all times keep the road taxes collected in Mount Airy township separate, and pay them to the treasurer of said commission as aforesaid. The sheriff or tax collector shall be required to settle in full with the treasurer of said commission not later than December 25th in each and every year, and may pay over sooner, if same shall be in their hands.

Sheriff to settle promptly.

Road taxes kept separate.

Final settlements.

Collection of tax.

Fees of sheriff.

Sheriff liable on bond.

Additional Bond.

Highway commission may elect tax collector.

Fees and commissions.

Material, implements and outfit.

Proviso: permanent improvement of roads.

Prisons for convict force.

SEC. 7. That said board of highway commission may authorize the sheriff of Surry County to collect the taxes of said Mount Airy Township, and he shall be entitled to the same fees as are now allowed sheriffs in North Carolina for collecting taxes. The sheriff shall be liable for all moneys so collected, and the sheriff's bondsmen given for the county shall be, and they are hereby declared liable for all township funds handled under this act, and the highway commission may require the said sheriff to give additional bond, and the said highway commission shall have the power at their discretion to elect a tax collector for said township, who shall execute a good and sufficient bond in the penal sum double the amount of any moneys or the amount of tax tickets that may be placed in his hands for any one year, and the board of highway commission shall have the right to fix the fees or commissions of said tax collector at their discretion.

SEC. 8. That said highway commission may purchase such material, implements, teams, wagons, camp outfits, quarters or stockades for the use of, and the safe keeping of convict forces as may be necessary in the proper carrying out of the work, and for the employment of all additional labor needed to do the work: *Provided*, that the money raised under this act shall, as far as is possible, be used in permanent improvements for roads: and *Provided*, the county jail at Dobson, Surry County, may be used as a place of safe keeping for the convict force at such times as the highway commission may deem necessary, first obtaining the consent of the county commissioners of Surry County: and *Provided*, the calaboose or city prison of Mount Airy, N. C., may be used as a place of safe keep-

ing for the convict force of said district at such times as the highway commission may deem necessary.

SEC. 9. That said highway commission shall have power to employ or discharge such guards as may be needed to take charge of the convict force or such other laborers as may be employed, and shall have power and authority to employ a road superintendent, who, with the approval of the highway commission, may have full power to employ and discharge laborers, and also to employ and discharge guards as may be needed to take charge of the convict force.

Guards.

Road superintendent.

Laborers.

SEC. 10. That upon the application of the highway commission to the judge of the superior court of any county in the State, the justices of the peace or municipal officers of any municipality, or other inferior court within or outside said Mount Airy Township, the said judge or other officer may, and it shall be the duty of the justices of the peace or said principal officers and inferior courts in said district to sentence such person convicted in such courts to work on the public roads of said township. All such convicts to be clothed, fed and otherwise cared for at the expense of said township, and the cost of transferring, guarding and maintaining such convicts as may be sent to said township, may be paid for by the road commissioners: *Provided*, that any such prisoners may be returned at any time to the keeper of the jail of said county from which they are sent, all transportation to be paid by the said road commission, and: *Provided*, that all convicts shall be under the supervision of the superintendent of public health for the county of Surry, the county shall pay all medicine bills and likewise the doctor's bills, and the road commission shall not be permitted to keep disabled prisoners.

Convicts to be sentenced to road work.

Cost of convict force.

Proviso: return of convicts.

Proviso: care for health of convicts.

SEC. 11. That all prisoners confined in the jail of Surry County under final judgment of any court having jurisdiction for crime or imprisonment for non-payment of costs or fine, or under final judgment in the case of bastardy, or under the vagrant acts, and all insolvents who may be imprisoned by the courts of competent jurisdiction in any county for non-payment of costs, and all persons who may be sentenced in said county to the State prison for a term of not more than three years, may be worked on the public roads in Mount Airy Township: *Provided*, they are asked for by the said road commission of said township.

Prisoners subject to road work.

Proviso: request of road commission.

Convicts from other counties.

SEC. 12. That the board of commissioners of said township is hereby authorized to accept convicts from other counties of the State sentenced by the superior court judges, whenever in their judgment it is deemed advisable so to do. And the cost of maintaining said convicts and prisoners shall be paid from said road funds.

Cost of maintenance.

SEC. 13. That the superintendent of health of Surry County shall attend the convicts as though they were confined in the county jail, and if the county superintendent of health shall be unable to

Medical attendance.

attend the convicts for any cause, the county commissioners are hereby authorized to contract with a physician to attend the convicts.

Entry on land for material.

SEC. 14. That for the purpose of carrying out the provisions of this act the highway commission, by their agents, after first consulting the owner or owners, agent or agents of the land from which material for building and repairing roads is gotten, are hereby authorized to enter upon the lands near to or adjoining any public road or highway, to take or cause to be taken or carried away any gravel, sand, clay, rock or stone which may be necessary for the construction, improvement or repair of said road, together with the free ingress and egress from roads for the transportation of said material: *Provided*, no ornamental or fruit trees shall be destroyed and no crop growing on said land shall be interfered with.

Proviso: trees and crops protected.

Accounts for materials.

SEC. 15. That if any owner of land, or the agent or agents of said owner in charge of the lands from which any material, as stated in section fourteen is taken, shall present an account to the highway commission, and if said account be reasonable and the board decide to pay the price, then it may pay the same. And any landowner or his agents shall have the right to appeal from said board to the superior court and determine the value of such timber, stone, land, clay, rock or gravel, but said highway commission shall not be prevented from entering on said land as aforesaid, and using the material aforesaid at any time they desire without paying said price in advance.

Appeals to superior court.

Power and duty to establish, build and maintain roads.

SEC. 16. That the said highway commission shall have the power and it shall be their duty to establish, build and maintain such public roads in said township as shall be necessary, to alter and change the location and grade, to discontinue any road or part thereof, which they may deem necessary; to grade, macadamize, improve with sand, clay, gravel, dirt or in any other manner, any and all roads or parts of roads in said township they may deem to be the best interest of the citizens of said township; to employ a surveyor or supervisor for the public roads of said township, or to employ engineers to do any and all things necessary to be done for the maintenance and betterment of the public roads in said township.

Surveyor or supervisor.

Engineers.

Entry on land for laying out or changing road.

SEC. 17. That the highway commission is hereby authorized and empowered to enter into and upon any lands in said township for the purpose of laying out any new roads or changing the location of any road; and for the purpose of taking rock, timber, dirt, sand or gravel necessary to macadamize or improve said roads. And if any person owning said land upon which said road or any part thereof shall be constructed, altered or changed shall claim damages therefor, and the said owner or his agents can not agree with the highway commission as to the price, then each party shall choose one man, freeholder and resident of the township to serve

Arbitrators.

- as arbitrators, and should either party refuse to choose a man then the clerk of the superior court of the county shall choose one for him, and that the two shall choose a third, and they shall give all parties at least two days notice of the time and place of the meeting to assess the damages; and in making out the damage they shall take into consideration the special benefit that the road when built will confer upon the land, as well as any actual damage done his land by reason of the construction or change of the road. The said damages, if allowed, shall be paid out of the general road fund of the township, and the parties shall have the right of an appeal to the superior court, after giving good and sufficient security from the award of the arbitrators, provided said appeal is prayed within ten days from the filing of the awards. And the appeal or the pending of this cause shall not prevent the highway commission from entering and taking possession of the land and using it for road purposes, and the only effect of the appeal shall be to settle the amount of damages, but the taking of the appeal shall not delay the changing, locating or relocating of any public road or discontinuing any public road under this act. The quantum of damages is the only question contemplated in this section.
- SEC. 18. Any person who shall obstruct the highway commission, its agents or engineer in making a survey, in changing any road, or the opening of a new public road or highway, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- SEC. 19. That it shall be unlawful for any person to use, cut or make any ditch or drain, or to so cultivate his land as to turn water into the macadamized public road in Mount Airy Township, except when there is a drain, cut out pipe or other opening under said highway to allow the water to pass off. Any person violating the provisions of this section shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.
- SEC. 20. That all railroads or other incorporated companies, shall keep up at their own expense, upon a specification furnished them by the highway commission, all bridges on and over the public roads, and not public roads, but used as neighborhood roads, and all crossings which they have made necessary to build, or made in establishing their respective roads, and on failure to do so, after demand by the said commission, by its agent, shall be guilty of a misdemeanor and and fined not exceeding fifty dollars, and shall pay ten dollars additional for every day said work remains unperformed, and any written notes left with the agent of said companies shall be sufficient to give notice in law under this act.
- SEC. 21. That it shall be the duty of the engineer employed by the highway commission to prepare a full and complete specifica-

Damages from  
general road fund.

Right of appeal.

Appeal not to  
delay work.

Obstruction of  
officers a  
misdemeanor.

Punishment.

Turning water on  
roads a  
misdemeanor.

Punishment.

Bridges to be kept  
up by railroad  
companies.

Failure a  
misdemeanor.

Punishment.

Notice.

Engineer to prepare  
specifications.

tion covering the construction of all roads to be built or repaired or renewed when called upon to do so by the highway commission.

Roads let to contract.

SEC. 22. After the approval of said specifications it shall be the duty of the said highway commission to advertise for bids to do the work and shall have the right to let the work to the lowest responsible bidder, and if no satisfactory bid is made, then the same may be done by day labor, subject to the supervision of the highway commission or its agents.

Compensation of employees.

SEC. 23. The highway commission shall have power and authority to fix the rate of compensation to be paid to all employees that shall do work on the road, and such compensation may be changed from time to time as circumstances may require, and all expenses to be paid out of the road fund.

Labor in payment of road tax.

SEC. 24. That any person charged with a tax for the road in the township may in the discretion of the highway commission be allowed to discharge same by labor on the public roads in said district at the rate of eighty cents per day: *Provided*, that no person so working out his tax shall be compelled to work more than eighty hours a day.

Rate.

Proviso; eight hours a day.

SEC. 25. For their services as highway commissioners each member shall receive such salary and per diem as may be fixed by the board of county commissioners of Surry County, and be paid out of the road fund.

Pay of commissioners.

Special road tax.

SEC. 26. That for the purpose of raising funds to carry the provisions of this act into effect the board of commissioners of Surry County shall at its meeting in July, one thousand nine hundred and eleven, and each annual meeting thereafter lay a special tax on all property subject to taxation under the laws and within said Mount Airy Township of not less than ten cents nor more than thirty cents on the hundred dollars worth of property and not less than thirty cents and not more than ninety cents on the poll, having regard to the constitutional equation, to be designated in the election hereinafter called, and designated in the notice calling the election.

Rate.

Constitutional equation.

Act to be submitted to voters.

Election.

New registration.

SEC. 27. That the provisions of all preceding sections of this act shall be submitted to the vote of the qualified voters of Mount Airy Township at an election to be held on a day designated by the board of county commissioners of Surry County. For the holding of said election said commissioners of Surry County shall order a new registration of the voters of said township, and shall appoint registrars and poll holders and any other officers necessary for such an election. At the close of said election said registrars and poll holders shall count and canvass the votes cast and declare the result thereof, and shall report such canvass to the board of county commissioners which said report shall be recorded in the minutes of said county commissioners, and no other canvass, report or proceeding shall be necessary.

Count, canvass and return of votes.

Record of returns.

SEC. 28. That at the said election all the qualified voters who shall favor the levy of the special tax and other provisions of this act, shall cast ballots on which shall be written or printed "For good roads," those opposed to the provisions of this act shall cast ballots on which shall be written or printed "Against good roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly as now provided by law and its amendments thereto. If a majority of the qualified voters of said township shall vote "For good roads" then said special tax shall be levied and the other duties and powers exercised as provided for in this act: *Provided*, that no election shall be ordered until as many as one hundred voters sign a petition to the commissioners asking for said election, and: *Provided*, that if the said voters shall cast a majority against said good road law, as stated in this act, the board of county commissioners shall call another and like election requiring the filing of like number of petitions from said township, and shall order an election as often as the petition shall be presented to them, and each election shall be held as the first named in this act.

Ballots.

Proviso: petition for election.

Proviso: subsequent elections.

SEC. 29. That the board of county commissioners of the county of Surry are hereby authorized and empowered, at their discretion, to supplement the highway commission fund by paying such sum of money, or in road machinery and other material, deem just and proper, and the receipt from said highway commission shall be a legal voucher for such sums or property, and the said board of county commissioners shall at the cost of the county pay for all bridges or culverts built, repaired or changed by said highway commission in said township, that exceed ten dollars in cost. That said fund shall be used as hereinbefore designated in this act, and any person or persons, or company may supplement said road fund in like manner and the same accepted and used as road funds.

County commissioners may supplement road fund.

Bridges and culverts.

SEC. 30. That all laws and clauses of laws not in conflict with this act are in no wise repealed, and the same is and shall be in full force and effect as before the passage of this act.

Laws not repealed.

SEC. 31. That this act shall be in force from and after its ratification.

Ratified this 27th day of February, 1911.

## CHAPTER 295.

AN ACT TO PREVENT MINERS FROM THROWING TAILINGS INTO SILVER CREEK AND MUDDY CREEK AND THEIR TRIBUTARIES IN BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to mine with machinery for gold or other minerals in the following streams or their tributaries

Streams protected.

in Burke County, to wit: Silver Creek and north and south Muddy Creek, and in north and south Muddy Creek and their tributaries in McDowell County without first building a dam of brick, stone or cement, sufficiently strong and secure to hold all sand and tailings from such mines.

Punishment.

SEC. 2. That all persons violating the provisions of this act, upon conviction shall be fined or imprisoned, or both at the discretion of the court.

Application of act.

SEC. 3. That this act shall only apply to Burke County.

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

Ratified this 27th day of February, 1911.

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#### CHAPTER 296.

AN ACT TO AMEND CHAPTER EIGHTY-ONE, SECTION THREE THOUSAND THREE HUNDRED AND EIGHTY-TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE DUMPING OF SAWDUST IN THE STREAMS OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Limit of  
punishment  
removed.

SECTION 1. That section three thousand three hundred and eighty-two of The Revisal of one thousand nine hundred and five, be amended by striking out the last two words of line two and all of line three in said section.

Application of act.

SEC. 2. That this act shall apply only to Swain County.

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

Ratified this 27th day of February, 1911.

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#### CHAPTER 297.

AN ACT TO FIX THE SALARIES FOR CERTAIN PUBLIC OFFICERS IN CLEVELAND COUNTY.

*The General Assembly of North Carolina do enact:*

Officers to collect  
and pay over fees.

SECTION 1. That the sheriff, register of deeds, clerk of the superior court and treasurer of the county of Cleveland shall not hereafter collect or retain for their own use any fines, commissions, emoluments or other compensation for their services, other than is hereinafter mentioned, but they shall demand, collect and receive all fees, commissions, emoluments and other pay which is now, or may here-

after be allowed by the law to sheriffs, clerks, registers of deeds and treasurer, and shall account for and pay over the same as is hereafter directed.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to, or which may hereafter by any law belong or appertain to their respective offices; and they shall receive as compensation for their services only such salary, commissions and compensations as is hereinafter provided; and for any abstraction, concealment or misapplication of any of the moneys payable into their respective offices, or which any of them have collected, any one of them so abstracting, concealing or misapplying the same shall be guilty of a felony, and upon conviction shall forfeit their said office or offices and be punished as is now provided by law in cases of embezzlement by public officers.

Fees to be collected.

Compensation of officers.

Abstraction, concealment or misapplication of moneys felony.

Forfeit of office.

Punishment as for embezzlement.

SEC. 3. That each and all of said officers shall open and keep a separate set of account books, consisting of a daily journal and a ledger, in which shall be promptly, correctly, truly and accurately entered itemized accounts of all moneys collected and received by said officers, or which by law are or may be payable into their respective offices, and all of said books shall be at all times open to the inspection of the public upon demand, and said books shall be safely and securely kept so as to prevent loss and destruction by theft, fire or accident.

Officers to keep account books.

Books open to inspection.  
To be kept securely.

SEC. 4. That on the first Monday in each and every calendar month a true and accurate transcript shall be transmitted by each of the officers of Cleveland County to the county auditor of said county for approval by the board of county commissioners of Cleveland County. Said transcript to contain and show in detail all of the entries made upon said books during the preceding calendar month, which shall be sworn to and duly verified by the officer, whose duty it is to make said entries and keep the book of accounts pertaining to his respective office.

Monthly reports.

Reports to be sworn too.

SEC. 5. That the said books shall be open and kept in the manner to be prescribed and authorized by the county auditor of Cleveland County, who shall have constant supervision of the same.

Supervision of auditor.

SEC. 6. That the said sheriff shall receive a salary of three thousand dollars per annum and no other compensation whatever except such fees as are now or may be allowed by law to sheriffs for the seizure or destruction of illicit stills and necessary expenses for conveying prisoners to or from jails in other counties or States; insane persons to insane asylums and convicts to the State prison, and it shall be the duty of the sheriff to collect all taxes provided by law without further compensation; all other fees, commissions, profits and emoluments of all kinds now belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of said county,

Salary of sheriff.

Fees to be collected and turned over.

Proviso: sheriff acting as jailer.

and applied by the treasurer to the salary fund: *Provided, however*, that this act shall not prevent the sheriff from acting in the capacity of jailer and receiving the compensation allowed by the board of commissioners for keeping such jail.

Salary of clerk superior court.

SEC. 7. That the clerk of the superior court of Cleveland County shall receive a salary of twenty-four hundred dollars per annum as full compensation for his services, and the services of assistants, deputies and clerks, and shall be allowed nothing in addition thereto for performing the duties of his office.

Salary of register of deeds.

SEC. 8. That the register of deeds of Cleveland County shall receive a salary of twenty-two hundred dollars per annum as full compensation for his services and the services of his assistants, deputies and clerks and shall be allowed nothing in addition thereto for performing the duties of clerk to the board of county commissioners and for the preparation of the tax list of Cleveland County.

Salary of treasurer.

SEC. 9. That the treasurer of Cleveland County shall receive a salary of fifteen hundred dollars per annum for performing his duties as treasurer of Cleveland County and as treasurer of the Cleveland County school fund, and such other duties as may be required of him by law, in lieu of all other compensation whatever.

Salaries paid monthly.

SEC. 10. That all salaries herein provided for shall be paid by the treasurer of Cleveland County out of the salary fund to the persons entitled to receive the same, in monthly installments upon warrants drawn by the board of commissioners of said county, and countersigned by the county auditor of Cleveland County.

Salary fund.

SEC. 11. That all moneys coming into the hands of the treasurer of Cleveland County by virtue of this act shall be held by him as a separate and distinct fund and shall be known and designated as "The salary fund." This fund, after the payment of the aforesaid salaries, shall be used by the county board of commissioners as their judgment directs for county purposes, and may be used to pay whatever shall be lacking in the salary of the county auditor and county recorder from the fees and costs of the recorder's court. The said treasurer shall open a separate account with each of the several officers of said county showing the amount received from each and the amount paid as salary to each, which said account shall be at all times open to the public for their inspection; and if there shall be any surplus from the salary fund after the above distribution is made, it shall be used by the county commissioners for the payment of the interest on the outstanding county bonds or used to create a sinking fund for the payment of such bonds when they may become due.

Use of surplus.

Accounts of treasurer with officers.

Interest or sinking fund.

Fees of deputy sheriffs, constables and other officers.

SEC. 12. That the deputy sheriffs, constables and other lawful officers of Cleveland County, except the sheriff, shall receive the fees now allowed by law for the service of all writs, summonses, processes, executions or any other papers issued by said court as now provided by law, or may hereafter be provided by law, and in

addition thereto be allowed mileage and per diem for bringing prisoners from any portion of the county to Shelby, outside of Number Six Township: *Provided, further*, that in all cases in any of the courts of the county of Cleveland where costs are taxed against the county or State, full costs shall be taxed for said deputy sheriffs, constables and other lawful officers instead of half fees as now allowed by law.

Mileage and per diem.

Proviso: full costs for officers.

SEC. 13. That the said sheriff, register of deeds, clerk and treasurer shall perform all the duties imposed upon them by law and shall receive no other compensation or allowance whatever than that above mentioned for any extra or additional services rendered to the county, State or other governmental agencies, and they shall be liable to all the pains and penalties which are or may be prescribed by law for failure to perform the duties of their several offices.

Officers to discharge duties.

SEC. 14. Any officer herein mentioned who shall willfully fail or refuse to collect the full fee, commission, or emolument of any kind at the proper time belonging to his office, shall be guilty of a misdemeanor. All other laws and clauses in conflict with this act are hereby repealed.

Failure to collect fee a misdemeanor.

SEC. 15. That this act shall be in full force and effect from and after the first day of April, one thousand nine hundred and eleven.

When act effective.

Ratified this the 27th day of February, 1911.

## CHAPTER 298.

### AN ACT TO ESTABLISH A RECORDER'S COURT IN THE TOWN OF ALBEMARLE AND TO PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special court for the trial of misdemeanors and for other purposes, to be designated as the Recorder's Court of the Town of Albemarle, is hereby established with the following jurisdiction:

Court established.

(a) With final, exclusive, original jurisdiction over all offenses arising from the violation of all ordinances, by-laws, rules and regulations of the board of commissioners within the corporate limits of the town of Albemarle.

Jurisdiction.

(b) With final, exclusive, original jurisdiction of all criminal offenses committed within the town of Albemarle, and with concurrent jurisdiction within one mile thereof, which are now within the jurisdiction of the justices of the peace, or which may hereafter be within the jurisdiction of the justices of the peace.

Further jurisdiction.

(c) With final, exclusive, original jurisdiction over all criminal offenses committed within the corporate limits of the town of Al-

Further jurisdiction.

bemarle, and within one mile of the same, below the grade of felony, as now defined, and all such offenses committed within said town, and within one mile thereof, are hereby declared to be petty misdemeanors.

Jurisdiction as court of preliminary investigation.

(d) With jurisdiction to hear and determine the question of probable cause and bind over to the superior court of Stanly County for all offenses committed within the corporate limits of the town of Albemarle, and within one mile thereof, above the grade of misdemeanors, where final jurisdiction is not given under this act.

Power and authority of recorder.

(e) Said recorder shall have power and authority to issue his warrants or other process for all persons charged with any criminal offenses within his jurisdiction and have such persons brought before him, and hear, try and determine the charges against them and give judgment thereon; impose fines and sentences of imprisonment, penalties and forfeitures, in accordance with the laws of the State of North Carolina, issue executions and otherwise direct and compel the enforcement of his judgments, subject to the limitations of this act as to the amount of such penalties and punishments, with the right of appeal by the defendant from the judgment or sentence of the recorder's court to the superior court of Stanly County, under the same provisions of law as govern an appeal from inferior courts or from the court of a justice of the peace. In case a defendant, witness or other person shall be adjudged to be imprisoned by the said recorder's court, it shall be competent for the said court to sentence such person to imprisonment to the common jail of the county of Stanly, to be worked on the chain gang of the town of Albemarle; and in case the defendant shall not pay a fine and costs for the violation of an ordinance of the town of Albemarle, the recorder's court shall have authority and power to sentence the defendant in such case to work on the streets or other public works of the town of Albemarle, and the defendant in such case shall have credit upon the amount so adjudged against him at the rate of one dollar (\$1.00) per day for every day in which he shall work upon the public streets or other works.

Right of appeal.  
Sentences to chain gang.

Street work for fines and costs.

Credit for street work.

Jurisdiction for recovery of penalties.

(f) Said court shall also have jurisdiction to try all actions for recovery of any penalty imposed by law or by this act, or by any ordinance of the town of Albemarle for any act done within said town, and in all cases where judgment may be entered against any person for fines or penalties, and the person against whom same is adjudged fails or refuses to pay such judgment, it shall be lawful for the recorder of said court to order and require said person to be worked on the public streets of the town of Albemarle until, at one dollar (\$1.00) per day, such person shall have worked out the full amount of such judgment and costs.

Street work in payment of penalties.

Jurisdiction of offenses heretofore committed.

(g) Said recorder's court shall have jurisdiction over any and all criminal offenses, as hereinbefore enumerated, which have been committed before the ratification of this act, and of which no court has taken jurisdiction.

SEC. 2. The recorder's court shall have a seal, with the inscription, "Recorder's Court of the town of Albemarle, North Carolina," which shall be used in attesting all writs, warrants or other process or acts, judgments or decrees of said court, in the same manner and to the same effect as the seals of other courts in the State of North Carolina. Seal of court.

SEC. 3. That the recorder may issue his process to the chief of police or to the city police, or to the sheriff, constable or other lawful officer of the county of Stanly; and such process, when attested by the seal of the recorder's court, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law: *Provided*, that neither chief of police nor the city police shall execute any process except within the corporate limits of the town of Albemarle, and within one mile thereof, unless the offense was committed within the corporate limits of said town, or within one mile thereof; and in that case they are authorized to execute such process anywhere in the county of Stanly. Process of court.  
  
Execution of process.  
Proviso: execution of process by police.

SEC. 4. That any person convicted in said court of any offense shall pay all costs of prosecution and be fined or imprisoned, or both, according to law. Punishment on conviction.

SEC. 5. The recorder shall tax and collect in all criminal cases two dollars as his costs therein, and for all officers serving his processes the fees shall be the same as now allowed to police officers and sheriffs and constables; there shall be taxed in the bill of cost in each case a fee of two dollars and fifty cents for the prosecuting attorney, of the town, who shall appear before said recorder and prosecute all cases in such court where a justice of the peace would not have final jurisdiction. In case of appeal to the superior court, it shall be the duty of the prosecuting attorney in all cases to assist the solicitor in said court and his fee shall be taxed in said court equal to the fees of the solicitor and shall be paid to him as part of his salary. Costs of recorder.  
  
Fees of officers.  
  
Fee of prosecuting attorney.  
  
Prosecuting attorney to assist solicitor.  
Fee on appeals.

SEC. 6. The recorder's court shall hold daily sessions, Sundays excepted, at the city hall in the town of Albemarle, or other places designated by the board of commissioners. It shall meet at 9:30 each morning for the dispatch of such business as shall come before it. All offenders or persons charged with an offense who shall be arrested on any day after the adjournment of said court shall give bond, or be committed to the city lockup or county jail, for his appearance at the next succeeding term of the court. The first session of said court shall be held on the first day of March, 1911. Sessions of court.  
  
Persons arrested after adjournment.  
  
First session.

SEC. 7. The recorder shall be a man of good moral character, learned in the law, who shall be, at the time of his election and qualification, an elector in the town of Albemarle. Said recorder, and also a prosecuting attorney, shall be elected by the board of commissioners for the town of Albemarle at its first meeting after Qualification for recorder.  
  
Election of recorder and attorney.

- their election and qualification in May, one thousand nine hundred and eleven, and every two years thereafter. They shall hold office for a term of two years, and until their successors are elected and qualified. Before entering upon his discharge of his duties the recorder shall take an oath to support and defend the Constitution of the United States and the Constitution and laws of North Carolina, not inconsistent therewith, and to faithfully and diligently perform the duties of recorder of the town of Albemarle, to the best of his ability and skill: *Provided*, if any practicing attorney shall be elected recorder of the town, this shall not debar him from practicing law except in such matters as come within the jurisdiction of this court.
- Term of office.**
- Recorder to be sworn.**
- Proviso: recorder may practice law.**
- First officers named.**
- Commissioners to fill vacancies.**
- Temporary absences.**
- Substitutes to be sworn.**
- Jurisdiction and salary.**
- Force and execution of judgments.**
- Collection of fines and costs.**
- Records to be kept by recorder.**
- SEC. 8. That O. J. Sikes, of the town of Albemarle, is hereby appointed recorder, and R. L. Smith, of said town, is hereby appointed prosecuting attorney, for the town of Albemarle to hold office from the first day of March, one thousand nine hundred and eleven, until their successors are elected and qualified, as hereinbefore provided.
- SEC. 9. In case of death, resignation or other vacancies in the recorder's office, or prosecuting attorney, the board of commissioners shall elect his successor for the unexpired term; in case of the temporary absence of the recorder or prosecuting attorney, on account of sickness, absence from town or other disability, he shall appoint some competent person to hold the court for him during such temporary absence. Each of the above persons, so named as recorder, after taking the oath which is prescribed for the recorder, shall have all the jurisdiction, power and authority herein conferred upon the regular recorder of said town, while they are serving and shall receive the salary provided for the recorder, during the time of their service.
- SEC. 10. That the judgments rendered by the recorder under the provisions of this act shall have all the force, virtue and validity of judgments rendered by an inferior court under the laws of the State of North Carolina, and may be enforced and executed against the parties in the county of Stanly or elsewhere, in the same manner and by the same means; and all fines, penalties and forfeitures, fees and costs shall be collected by or paid to the chief of police of said town, who shall account for the same to the proper officer or officers as provided by law.
- SEC. 11. That it shall be the duty of the recorder to keep an exact account and true record of all fines, penalties, forfeitures and punishments by him imposed under the provisions of this act, for all cases or actions heard or tried by him, in a book kept for that purpose, showing the name of the offender, nature of the offense, the date of hearing of trial, the punishment imposed, either the amount of fine or length of imprisonment, or the penalty or forfeiture imposed, and when and by whom the fine, penalty or forfeiture is paid.

SEC. 12. That the board of commissioners of the town of Albemarle shall have the power to impose a penalty of not more than two hundred dollars for each and every violation of any ordinance, rule or regulation adopted by such board of commissioners.

Penalties for violation of town ordinances.

SEC. 13. Said court shall have the power to punish for contempt as is given superior courts of this State, and the procedure in such matters shall be the same as is now provided for such superior courts.

Power to punish for contempt.

SEC. 14. In all cases said court shall have the right to amend any warrant issued by the judge thereof in the same manner and to the same extent as justices of the peace are now authorized by law to make amendments of warrants in their courts.

Amendment of warrant.

SEC. 15. Nothing in this act shall be construed to deprive the present trial justice in the town of Albemarle of any rights, powers or jurisdiction which he has under chapter seventy-one of the Private Laws of one thousand nine hundred and seven, until the expiration of his present term of office in May, one thousand nine hundred and eleven; and after that date the office of trial justice in the town of Albemarle is hereby abolished, and this recorder's court is substituted in lieu thereof, with final, exclusive original jurisdiction over all matters now within the jurisdiction of said trial justice, and until that date this recorder's court shall have concurrent jurisdiction in all matters now within the jurisdiction of said trial justice.

Rights of present trial justice.

Office abolished at close of term.

Concurrent jurisdiction.

SEC. 16. The salary of the recorder shall be twenty-five dollars per month to be paid monthly out of the treasury of the town and also the fees of his office: *Provided*, if the fees received by him make the total salary more than fifty (\$50) dollars per month, the excess over the above fifty (\$50) dollars shall be paid into the town treasury; and *Provided, further*, the board of commissioners of the town have the right to increase the salary of the recorder at any time they see fit.

Salary of recorder.

Proviso: limit.

Proviso: power to increase salary.

SEC. 17. That all laws and clauses of laws, whether a general or private nature, inconsistent with the provisions of this act, shall be and the same are hereby repealed.

Repealing clause.

SEC. 18. That this act shall be in force from and after the first day of March, one thousand nine hundred and eleven, and by that date the recorder herein named shall qualify and prepare to conduct the proceedings of this court, as herein provided.

When act effective.

Ratified this the 27th day of February, 1911.

## CHAPTER 299.

AN ACT TO AMEND A BILL ENTITLED "AN ACT TO CREATE A RECORDER'S COURT FOR THE TOWN OF AURORA AND A PART OF RICHLAND TOWNSHIP" WHICH WAS RATIFIED ON FEBRUARY ELEVENTH, ONE THOUSAND NINE HUNDRED AND ELEVEN.

*The General Assembly of North Carolina do enact:*

Boundary.

SECTION 1. That the word "Nevillis" be stricken out and the word "Porters" be inserted in lieu therefor.

SEC. 2. 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 this the 27th day of February, 1911.

## CHAPTER 300.

AN ACT TO AMEND CHAPTER FOUR HUNDRED OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO COURT STENOGRAPHER.

*The General Assembly of North Carolina do enact:*

Transylvania  
stricken out.

SECTION 1. That section one of chapter four hundred of the Public Laws of North Carolina, session of one thousand nine hundred and nine be amended by striking out the words "and Transylvania" in line three of said section and inserting the word "and" before the word "Jackson" in said line three and by striking out the words "or Transylvania" in line five of said section, and inserting the word "or" before the word "Jackson" in said line five.

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

Ratified this the 27th day of February, 1911.

## CHAPTER 301.

AN ACT FOR THE PROTECTION OF THE PUBLIC ROADS AND HIGHWAYS OF THE STATE.

*The General Assembly of North Carolina do enact:*

Drags forbidden.

SECTION 1. That it shall be unlawful for any person, firm or corporation to use, operate or cause to be used or operated on any

public road or highway in this State any log cart or other vehicle with a foot or drag in the tongue of such log cart or other vehicle that drags on the road or highway while in use.

SEC. 2. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and be fined not more than thirty dollars or be imprisoned not more than thirty days. Misdemeanor.  
Punishment.

SEC. 3. This act shall apply only to Bladen County. Application of act.

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

Ratified this the 27th day of February, 1911.

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### CHAPTER 302.

#### AN ACT TO FIX THE SALARIES FOR CERTAIN PUBLIC OFFICERS IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sheriff, register of deeds, superior court clerk and treasurer of the county of Beaufort shall not hereafter collect or retain for their own use any fees, commissions, emoluments or other compensation for their services other than is hereinafter mentioned, but they shall demand, collect and receive all fees, commissions, emoluments and other pay, which is now or may hereafter be allowed by law to sheriffs, clerks, register of deeds and treasurers, and shall account for and pay over the same as hereinafter directed. Officers to collect fees and pay over same.

SEC. 2. That the said sheriff shall receive a salary of four thousand dollars per annum, and no other compensation whatever, except such fees as are now or may be hereafter allowed by law to the sheriffs for the seizure and destruction of illicit stills and for necessary expenses for conveying prisoners to jail in counties other than their own and to the State prison. Salary of sheriff.  
Fees for destruction of illicit stills.  
Conveying prisoners to jail.

SEC. 3. That the said register of deeds shall receive a salary of two thousand and four hundred dollars and no other compensation, except such as may be allowed him by the board of county commissioners for copying any of the old record books of deeds and conveyances. Salary of register of deeds.  
Allowance for copying old records.

SEC. 4. That the said clerk of the superior court shall receive a salary of two thousand and one hundred dollars and no other compensation, except what may be allowed him by the superior court for services as referee. Clerk of superior court.  
Fees as referee.

SEC. 5. That the said county treasurer shall receive a salary of twelve hundred dollars per annum and no other compensation whatever. County treasurer.

- Tax collector. SEC. 6. That whenever the sheriff of the county shall fail or neglect to execute the bonds required of him by law for the collection of taxes, and it shall become necessary to appoint a tax collector, the board of county commissioners shall fix and determine the salary of such tax collector and the same shall be deducted from the salary herein allowed to the sheriff.
- Deduction from sheriff.
- Payment for bonds. SEC. 7. That should any of the aforesaid officers prefer to execute their official bonds in some good bonding or security company which is authorized by the law of this State to execute such bonds, they may be allowed to do so, but the cost thereof shall be paid by such officers and in no case to be any expense to the county.
- Officers to collect fees. SEC. 8. That all fees, commissions, profits and emoluments of any kind, except those hereinafter excepted, which is now or may hereafter be allowed by the general laws of this State to similar officers, shall be faithfully collected by the aforesaid sheriff, register of deeds, clerk and treasurer, and by them paid over to the county treasurer on the first Monday in each month, and at the same time they shall file with the board of county commissioners an itemized statement of the same, duly subscribed and sworn to by them. The board of county commissioners may appoint some suitable person to audit the affairs of said county as often as may be necessary and prescribe his duties and fix his compensation who shall perform such duties as is required by law governing the duties of such an officer.
- Fees paid over monthly.
- Sworn itemized statements.
- Auditor.
- Compensation. SEC. 9. That the salaries herein provided for shall be paid by the county treasurer, upon warrants issued by the board of county commissioners in favor of said officers, in monthly installments: *Provided*, that said salaries may be paid in warrants of irregular amounts, according to the needs of the said officers, but shall never exceed for the year the annual salary hereinbefore authorized.
- Payment of salaries.
- Proviso: payment in irregular amounts.
- Moneys kept separate. SEC. 10. That all moneys paid to the county treasurer by virtue of this act shall be kept by him separate and apart from all other funds in his hands, and shall be known and designated as the bond fund, which fund, after the payment of the aforesaid salaries, shall be used solely and exclusively for the payment of the interest on the outstanding county bonds issued for the erection of bridges, and any surplus remaining shall be kept and set apart for the purpose of creating a sinking fund to be used in the payment of said bonds at their maturity.
- Specific appropriation.
- Surplus.
- Officers to perform duties. SEC. 11. That the said sheriff, clerk of the superior court, county treasurer and register of deeds shall perform all the duties imposed upon them by law and shall receive no other compensation or allowance whatever than that above mentioned for any extra or additional services rendered to the county, State or other governmental agencies, and they shall be liable to all the pains and penalties which are now or may hereafter be prescribed by law for failure
- No allowance for extra services.
- Pains and penalties.

to perform the duties of their respective office: *Provided, however,* Proviso: allowance to register of deeds for making tax list.  
 that the register of deeds shall not be required to make up the tax books of said county except upon contract with the board of county commissioners for such work and for which the said register of deeds shall be paid a reasonable sum in excess of the salary allowed in section three of this act and it shall be the duty of the board of county commissioners of Beaufort County to employ annually, at their regular meeting in July of each year some competent and discreet resident of said county to make up the tax books, and the said board of county commissioners are hereby authorized to pay for said work a reasonable amount as to them may seem right and proper. Employment of tax lister.

SEC. 12. Any officer hereinbefore mentioned who shall willfully or negligently fail or refuse to collect a full fee, commission or emolument of any kind belonging to his office, shall be guilty of a misdemeanor. Failure to collect fee a misdemeanor.

SEC. 13. All laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 14. This act shall be in full force and effect from and after the thirty-first day of May, one thousand nine hundred and eleven. When act effective.

Ratified this the 25th day of February, 1911.

#### CHAPTER 303.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO LEVY SPECIAL TAXES TO MEET GENERAL INDEBTEDNESS.

Whereas, the tax levy for one thousand nine hundred and ten in said county of Jackson was inadequate to cover the outstanding indebtedness and to meet the necessary and legitimate demands of that fiscal year; and, Preamble.

Whereas, the fund for the support of the poor has for some time been exhausted and the amount collected and to be collected for general purposes is far short of the needs for paying general indebtedness which will be needed for the general legitimate expenses of the county during the current fiscal year, Preamble.

*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 of levying taxes to levy a special tax of not exceeding ten cents on the one hundred dollars worth of property and thirty cents on the poll, to be determined by said board of commissioners, in said county for the years one thousand nine hundred and eleven and Special tax authorized. Rate. Years.

Purpose of tax.	one thousand nine hundred and twelve for the support of the poor and to liquidate existing indebtedness incurred against this account, observing the constitutional equation between property and poll.
Constitutional equation.	
Further special tax authorized.	SEC. 2. That in addition to the levies authorized in section one, the said board of commissioners of said county are hereby authorized and empowered at the regular time for levying taxes to levy a special tax for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, not to exceed twenty cents on the one hundred dollars worth of property, and sixty cents on the poll, to be determined by said board of commissioners.
Years.	
Rate.	for the purpose of discharging and paying off the general indebtedness of said county and for the purpose of discharging and paying off such general indebtedness as may be incurred during the fiscal years one thousand nine hundred and ten and one thousand nine hundred and eleven by reason of the deficit and prospective deficit recited in the preamble, always observing the constitutional equation between property and poll.
Purpose of tax.	SEC. 3. That the taxes herein authorized to be levied shall be collected and accounted for by the sheriff or the tax collector of said county in the same manner and under the same penalties as are now provided by law for the collection of other taxes in said county.
Constitutional equation.	
Collection of tax.	SEC. 4. That this act shall be in force from and after its ratification.
	Ratified this the 25th day of February, 1911.

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#### CHAPTER 304.

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY TO DONATE LANDS FOR THE PURPOSE OF ERECTING A CONFEDERATE MONUMENT THEREON, AND TO AID IN THE ERECTION THEREOF.

*The General Assembly of North Carolina do enact:*

Donation of part of court-house lot.	SECTION 1. That the county commissioners of Stanly County be and they are hereby authorized and empowered to donate as much as may be necessary in their judgment of the court-house lot in the town of Albemarle, North Carolina, belonging to the county of Stanly, to the United Daughters of the Confederacy for the purpose of erecting a Confederate monument thereon; or if a suitable site can not be obtained on the said court-house lot, then the said board of county commissioners is authorized and empowered to select and purchase some other suitable site within the corporate limits of said town and to pay the purchase money for the same out of the
Selection, purchase and donation of some other site.	

general fund of the county, and to donate said lot so purchased to the United Daughters of the Confederacy, for the purpose of erecting a Confederate monument thereon.

SEC. 2. That the county commissioners are further authorized and empowered to appropriate from the general fund of the county such amount as they may feel warranted in expending to aid in the erection of said monument. Appropriation.

SEC. 3. That the plot of land so donated, and the monument or memorial erected thereon, shall be and remain under the care and protection of the board of commissioners of said county and the United Daughters of the Confederacy. Care and protection of plot and monument.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 305.

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND NINETY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO ELECTION OF BOARD OF COMMISSIONERS OF TYRRELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and ninety-two of the Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed. Law repealed.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 306.

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the chairman and each of the members of the board of county commissioners of Cherokee County shall be paid for his services the sum of three dollars per day, and mileage of five cents per mile each way, for each meeting of said board, whether it be a regular or special meeting called by said chairman; and this shall be full compensation of said board for all services whatsoever. Mileage and per diem.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 307.

## AN ACT TO INCREASE THE SALARY OF THE COUNTY COMMISSIONERS OF COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

Per diem and  
mileage.

SECTION 1. That the salary of the county commissioners of Columbus County shall be increased from two dollars per day to three and one-half dollars per day and mileage.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 308.

## AN ACT TO ALLOW THE COMMISSIONERS OF BUNCOMBE COUNTY TO COLLECT MILEAGE.

*The General Assembly of North Carolina do enact:*

Mileage allowed.

SECTION 1. That section eight, chapter nine hundred and forty-two of the Public Laws of one thousand nine hundred and seven be amended by adding after the word "mileage," in line eight of said section eight, the following: "Except for attendance upon regular and special meetings of said board they will be allowed mileage, ten cents per mile, one way, in addition to their per diem."

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 full force from and after its ratification.

Ratified this the 25th day of February, 1911.

## CHAPTER 309.

## AN ACT TO DEFINE POLITICAL PARTIES AND TO REGULATE NOMINATIONS OF CANDIDATES FOR PUBLIC OFFICES IN WILSON COUNTY.

*The General Assembly of North Carolina do enact:*

Political party  
defined.

SECTION 1. That whenever two hundred and fifty or more of the qualified voters of Wilson County shall effect, have or maintain an organization for the purpose of nominating candidates for public offices to be voted for at any election to be held under the laws of

the State of North Carolina, the said voters organized as aforesaid shall be and constitute a political party within the meaning of this act.

SEC. 2. That it shall be the duty of the chairman, manager or leader, by whatever name designated, of each and every political party in Wilson County, to file with the chairman of the board of election of said county, on or before the first day of July of the year one thousand nine hundred and twelve, and on the first day of July every two years thereafter, a copy of the rules and regulations prescribed by the said political party for the nomination of candidates for public offices to be voted for at any election to be held in Wilson County at any time within two years next ensuing after the filing of the same: *Provided*, that any alteration or amendments duly made by such political party to such rules and regulations may be filed with the said chairman at any time more than sixty days before the date of such election, and when so filed shall have the same force and effect as if contained in said rules and regulations as originally filed.

Rules and regulations for nomination of candidates to be filed.

Proviso: alterations or amendments may be filed.

SEC. 3. That it shall be the duty of the chairman of the board of elections of Wilson County, within twenty days after the filing with him of such rules and regulations or any alteration or amendments of the same, to cause the same to be published in a newspaper of general circulation in Wilson County, and to file a certified copy of the same in the office of the clerk of the superior court of Wilson County; that the said chairman of the board of elections shall file with the board of commissioners of Wilson County an itemized statement, duly verified by him, of all expenses incurred by him in the discharge of the duties imposed by this act, and the said board of county commissioners shall pay the said expenses out of the general fund of Wilson County, and shall, in addition, pay to the said chairman, the sum of three dollars for each certified copy of the rules and regulations of the political party filed by him with the clerk of the superior court as herein required. That it shall be the duty of the clerk of the superior court to keep and preserve the certified copy filed with him as part of the records of his office.

Publication of rules and regulations.

Certified copy to be filed with clerk of court.

Itemized statement of expenses to be filed.

Payment to be made by county.

Clerk to file copy as records of his office.

SEC. 4. That each political party shall set forth in its rules and regulations: 1st. The qualifications required of voters to participate in any convention, mass-meeting, primary election or other meeting of the said political party. 2d. The method by which voters who possess the qualifications prescribed shall elect its candidates for public office, whether by convention of delegates, by mass-meeting, by primary election, or otherwise. 3d. The rules and regulations which shall govern the nomination of any and all candidates. 4th. The rules and regulations prescribed for ascertaining the result of any convention, mass-meeting, primary election or other means of making nominations.

Rules and regulations to set forth: Qualifications of voters.

Method of selection of candidates.

Rules governing nomination of candidates.

Rules of ascertainment of result.

SEC. 5. That when any political party has caused a copy of its

Nominations to be made in accordance with rules and regulations. .

Participation in nomination in violation of rules a misdemeanor.

Punishment.

Proviso: evidence of rules and regulations.

Primary elections to be conducted in accordance with act

Proviso: general law to govern.

Supervision of primary elections.

Chairman and members of executive committee to be sworn.

Oath filed with clerk of court.

rules and regulations to be filed with the chairman of the board of elections, and the same has been published in a newspaper, and a certified copy of the same has been filed with the clerk of the superior court as herein required, nominations of candidates for public offices shall be made by such political party in accordance with such rules and regulations, and any person or persons who shall participate in any convention, mass-meeting, primary election, or other method of making such nominations, of any political party, in violation of or contrary to the rules and regulations of said political party, shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court: *Provided*, that in any action or prosecution pursuant to the provisions of this act, the certified copy of the rules and regulations filed in the office of the clerk of the superior court shall be the only evidence received of the rules and regulations of any political party within the meaning of this act.

SEC. 6. That if any political party shall, in its rules and regulations, designate a primary election as the method of nominating its candidates for public offices, or of selecting or instructing delegates from Wilson County to any district or State convention called or to be held by any political party with which the said political party of Wilson County affiliates, for the purpose of nominating candidates for district or State offices to be voted for at any election held in Wilson County, such primary elections shall be held in accordance with the provisions of this act, unless the same or any part of the same are in conflict with any rule or regulation of said political party which has been published in a newspaper as hereinbefore required: *Provided*, that in any primary election held in Wilson County for the selection or instruction of delegates of any district or State convention, the provisions of any primary election law passed by the State of North Carolina shall govern in any matters in which there is a conflict between the said general primary election law and this act.

SEC. 7. That every primary election held in Wilson County for the purposes set out in section six of this act, shall be conducted under the supervision of the chairman, manager or leader and the executive committee of the political party holding the same. That immediately after the date for such primary election has been fixed and before the call for the same has been published, the chairman and members of the executive committee of the political party which is to hold said primary election, shall each take and subscribe an oath that they and each of them will faithfully, impartially and honestly conduct the said primary election according to the provisions of this act, and of the rules and regulations of the political party which they represent; that said oath shall be filed in the office of the clerk of the superior court.

- SEC. 8. That the executive committee of the political party shall cause a notice to be published in some newspaper of general circulation in Wilson County, giving the date on which said primary election will be held, the places at which the voters of the several precincts may vote, the hours between which the polls will be kept open, and such other information to voters as the said committee may deem proper: *Provided*, that the said notice shall be published at least thirty days before the date fixed for holding said primary election.
- SEC. 9. That every person who wishes to have his name presented at a primary election as a candidate for public office, to be elected only by the qualified voters of Wilson County, shall announce his candidacy by a notice published in some newspaper of general circulation in Wilson County, giving the office for which he wishes to be nominated and stating that he will abide by the result of said primary election, and he shall also at least five days before the date set for holding the said primary election, file with the chairman of the executive committee a copy of said notice, together with an endorsement of his candidacy signed by at least ten voters, who shall certify that they possess the qualifications required of voters in said primary election; that it shall thereupon be the duty of the said chairman to have ballots prepared containing the names of the said candidates in accordance with the rules prescribed for ballots by the political party holding such primary election; that each person who shall file with the chairman the notice aforesaid shall pay to the chairman the sum of five dollars to be used in defraying the expenses of publishing, distributing the ballots and holding the said primary elections; that no person shall be deemed a candidate at said primary election who has failed to comply with the provisions of this section.
- SEC. 10. That the executive committee of each political party that shall hold a primary election in Wilson County shall at least five days before the date fixed for holding the same, select one registrar and two pollholders for each precinct in said county, who shall be qualified to vote in said primary election: *Provided*, no person shall be selected as a registrar or pollholder if any candidate who has complied with the provisions of this act shall object in writing to his selection; that each registrar and pollholder shall, on the day set for holding the primary election, take and subscribe an oath that he will faithfully, impartially and honestly perform the duties of his office; that the said oath shall be filed with the returns of the said pollholders; that the duties and powers of registrars and pollholders at primary elections shall be the same as those prescribed for registrars and pollholders at elections held under the laws of North Carolina for members of the General Assembly; that vacancies shall be filled in the same manner as vacancies are filled at said election: *Provided*, that no person shall perform the duties
- Notice of primary election.
- Proviso: publication of notice.
- Announcement of candidacy.
- Endorsement of candidacy.
- Preparation of ballots.
- Contribution by candidates for expense of election.
- Registrar and poll holders.
- Proviso: objection in writing.
- Election officers to be sworn.
- Oath to be filed.
- Duties and powers of registrars and poll holders.
- Vacancies.
- Proviso: officers to be sworn.

or have the powers of registrars or pollholders until he shall have taken and subscribed the oath above prescribed.

Ballot boxes to be opened and exhibited.	SEC. 11. That before any ballots are received at any primary election and immediately before opening the polls, the pollholders shall open each ballot box to be used in such election and exhibit same publicly to show that there are no ballots in such box; they
Boxes to be closed.	shall then close, lock or seal such box, except the opening to receive the ballots, and shall not again open the same until the close of the election; they shall keep a list of the names of all persons whose
Poll lists.	ballots are tendered and accepted by them; if any person tendering a ballot shall be challenged by any bystander who has voted at such
Challenges.	primary election, for any cause, before receiving the ballot they shall administer to the person challenged an oath that he is duly
Person challenged to be sworn.	qualified to vote according to the rules and regulations of the party holding the primary election, that he has not voted before at said election, and that he will abide by the results of said election; that
Person taking oath allowed to vote. Count of votes and declaration of result.	no person who shall take and subscribe the said oath shall be denied the right to vote in said election. That at the close of the election the registrar and pollholders at each precinct shall proceed at once to open the ballot boxes, count the votes and declare the result; that any candidate or the representative of any candidate present may give notice before the said votes are counted, that he desires the ballots to be preserved, and thereupon it shall be the duty of the registrar and pollholders to preserve said ballots and after the same have been counted to return each and all of them to the box from
Preservation of ballots.	which they have been taken, and the said box locked or sealed, shall within twenty-four hours be delivered to the chairman of the executive
Delivery of boxes.	committee. The registrar and pollholders shall certify the result of the count of the ballots under their hands and seals and shall at once transmit the same to the chairman of the executive
Returns of election.	committee, who shall give to any candidate requesting the same a copy of said certificate. That the executive committee of the said political party shall meet at the court-house in the town of Wilson on a day not later than three days after the date on which the said primary election has been held, and shall at such meeting receive the certificates from the several precincts, canvass the same and declare the results of the said primary election in accordance with the rules and regulations prescribed by the political party holding the said primary elections.
Canvass of returns.	
Violation of oath by officer a misdemeanor.	SEC. 12. That any chairman, manager or leader, by whatsoever name designated, any member of the executive committee of any political party, and any registrar or pollholder at any primary election, who, after taking and subscribing the oaths hereinbefore set out, shall violate the said oath in any respect, shall be guilty of a misdemeanor and upon conviction thereof to be punished, in the discretion of the court.
Punishment.	

SEC. 13. That any voter who shall swear falsely in taking the oath prescribed for persons challenged, or who shall vote knowing at the time that he does not possess the qualifications prescribed by the rules and regulations of the political party holding said primary election, shall be guilty of a misdemeanor and upon conviction shall be punished, in the discretion of the court.

False swearing a misdemeanor.

Punishment.

SEC. 14. That in such primary elections only those persons shall be allowed to vote who are qualified under the rules and regulations of the political party holding such elections, and who are or will be qualified to vote in the election for which candidates are to be nominated; that if any voter having participated in a primary election, precinct or county convention, or mass-meeting of one political party, shall vote or attempt to vote in a primary election held by different political party during the same campaign, he shall be guilty of fraudulent voting and upon conviction he shall be punished, in the discretion of the court; and if any voter having voted once in such primary election shall vote or attempt to vote a second time in the same election, at the same or a different polling place, he shall be guilty of a misdemeanor and upon conviction he shall be punished, in the discretion of the court.

Persons qualified to vote.

Fraudulent voting.

Punishment.

Repeating a misdemeanor.

Punishment.

SEC. 15. That if any person shall attempt to influence the vote of another by the use of intoxicating liquors or by a bribe, or if any person shall accept a bribe for his vote or influence, he shall be guilty of a misdemeanor and upon conviction he shall be punished, in the discretion of the court.

Use of liquors and giving or taking a bribe a misdemeanor.

Punishment.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 310.

### AN ACT TO PAY THE COUNTY COMMISSIONERS OF UNION COUNTY CERTAIN EXPENSES AND PER DIEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of reimbursing the county commissioners of Union County such sums as they have expended in visiting other counties of this State and inspecting their homes for the aged and infirm with a view to securing and adopting the best models obtainable for the erection of a suitable home for the aged and infirm of Union County and for their services actually rendered, the said commissioners are authorized and empowered to charge the county of Union their actual expenses in visiting certain counties in this State and inspecting the several homes for the aged and infirm in such counties so as to adopt and secure the best accommo-

Actual expense to be repaid.

Per diem.

Itemized account  
to be filed.

Allowance for  
expenses and per  
diem while acting  
as building com-  
missioners.

Itemized statement  
to be filed.

Orders for  
payment.

dations for the aged and infirm of Union County at the most economical cost and for their services and time the regular *per diem* allowed them as commissioners, an itemized account, which shall be filed with their clerk and kept with other items of account against the county of Union.

SEC. 2. That they shall be allowed to charge against the county of Union their actual expenses and regular *per diem* as allowed for attending their monthly meetings during the time they shall be engaged in looking after the erection of the county home for the aged and infirm and making sales of lots at the former home for the aged and infirm while necessarily engaged in performing such services for the county of Union, an itemized statement of which shall be filed with the clerk of their board and kept as other accounts against the county are kept.

SEC. 3. That when said accounts are filed and approved by the full board of commisioners, it shall be the duty of their clerk to issue an order for the payment of the same by the county treasurer.

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

Ratified this the 25th day of February, 1911.

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## CHAPTER 311.

### AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, KNOWN AS THE PROHIBITION LAW OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-five (125) of the Public Laws of the session of one thousand nine hundred and three (1903), as amended by chapter eight hundred (800), of the Public Laws of the session of one thousand nine hundred and five (1905), be, and the same is hereby further amended by adding after the word "bitters" in line three and before the word "within" in line four of section one of said chapter one hundred and twenty-five the words: "or any near beer, beerine, or other malt, spirituous or fermented liquor, preparation or concoction, under whatsoever name called or designated, sold or used as a beverage."

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 the first day of July, one thousand nine hundred and eleven (1911).

Ratified this the 25th day of February, 1911.

Other beverages  
prohibited.

Repealing clause.

When act effective.

## CHAPTER 312.

AN ACT TO AMEND SECTION TWO THOUSAND FIVE HUNDRED AND NINETY-EIGHT OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, IN REGARD TO TRANSPORTATION OF FREIGHT BY LOGGING ROADS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand five hundred and ninety-eight of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding to the end thereof the following: "Provided, that the corporation commission shall have power to authorize lumber companies, having logging roads, to transport all kinds of commodities other than their own, and to charge therefor reasonable rates, to be approved by said commission." Proviso: doing freight business.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 313.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY TO LEVY A SPECIAL TAX.

Whereas, from the expense of several special elections, and a special term of the superior court, and from special and unexpected expenses in caring for the county poor, there have been unusually heavy demands upon the contingent fund of Transylvania County, and it has become necessary for the board of commissioners of Transylvania County to borrow about fifteen hundred dollars to pay the current expenses of the county for the remainder of the current year, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Transylvania County, North Carolina, be and are hereby authorized to levy a special tax of five cents on each one hundred dollars worth of real and personal property in Transylvania County, North Carolina, for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for the purpose of paying the obligations above mentioned. Special tax authorized.  
Rate.  
Years.

SEC. 2. That said special tax be levied, collected and disbursed as other taxes are levied, collected and disbursed. Levy and collections.

SEC. 3. Should there be any surplus remaining in the hands of the county treasurer derived from said special tax after the payment of Surplus to county.

the above stated obligations, all such excess shall be turned into the general county fund, the same to be used for the payment of county contingent claims.

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

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

Ratified this the 25th day of February, 1911.

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### CHAPTER 314.

#### AN ACT TO FIX AND SETTLE THE DIVIDING LINE BETWEEN THE COUNTIES OF WASHINGTON AND BEAUFORT.

*The General Assembly of North Carolina do enact:*

County commissioners to appoint commissioners.

Commissioners to determine, run and mark line.

Umpire.

Employment of surveyors and other help.

Compensation.

Compensation of umpire.

Apportionment of expense.

Report with map.

Report when recorded final and conclusive.

Time of appointment of commissioners.

SECTION 1. That the board of county commissioners of the counties of Washington and Beaufort shall appoint two commissioners, one on the part of the county of Washington, and one on the part of the county of Beaufort, who shall settle, determine, run and mark the dividing line between said counties, from the western to the eastern terminus thereof.

SEC. 2. If said commissioners, so selected, shall be unable to agree upon a dividing line, then they shall call in some disinterested third person, not a resident of either of said counties, and the decision of any two of these upon any point in dispute shall be final.

SEC. 3. The said commissioners shall have power and authority to employ such surveyors and other persons as may be necessary to do and perform said work. The commissioners shall be allowed such reasonable compensation for their services as may be fixed by their respective board of county commissioners. Should it be necessary to call in a third commissioner, his compensation shall be the same as that allowed the other two commissioners for the time he is employed, and shall be divided equally between the two counties. The necessary expenses of running, marking and settling said line, together with the compensation of the surveyors and others employed by the two commissioners herein provided for, shall be paid by the respective counties, the expenses being equally divided between the counties of Washington and Beaufort.

SEC. 4. The said commissioners shall make a final report with a map attached thereto, and the same shall be recorded in the office of the register of deeds of each county, and when so recorded, the same shall be final and conclusive as to the dividing line between the said counties.

SEC. 5. The said commissioners, herein above provided for, shall be appointed by the board of commissioners of each of said counties

at their meeting on the first Monday in May, one thousand nine hundred and eleven, and the name of the appointee shall be certified, each to the other, by the clerks of the respective boards. In the event of the death of any commissioner before the completion of the work, the board which appointed him shall have the right, and it shall be its duty, to appoint a substitute in his place, and upon such appointment the one so appointed shall be vested with all the power and authority herein conferred, as though originally appointed.

Certificates of appointment.

Appointment to fill vacancy.

SEC. 6. This act shall take effect from and after its ratification.

Ratified this the 25th day of February, 1911.

### CHAPTER 315.

#### AN ACT TO PROVIDE GOOD ROADS IN LOUISBURG TOWNSHIP, FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That F. B. McKinne, J. R. Collie, W. H. Allen, John H. Uzzell, C. B. Cheatham, E. A. Kemp, Herbert H. Harris, W. T. Wilder and A. W. Wilson, Jr., are hereby constituted a board of trustees for the public roads of Louisburg Township, in Franklin County. The first three shall hold the said position of trustees for six years, the next three for four years, and the last three for two years. At the expiration of the terms of any, their successors shall be elected for six years by the board of county commissioners of Franklin County. All vacancies caused by death, resignation or removal from the said township shall be filled for the unexpired term by the remaining members of said board: *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of North Carolina.

Board of trustees named.

Terms of office. Successors.

Vacancies.

Proviso: trusteeship not office.

SEC. 2. That the said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Louisburg Township," and by that name may sue and be sued, make contracts, acquire, exchange and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.

Incorporation.

Corporate name.

Corporate powers.

SEC. 3. That it shall be the duty of the said board of trustees to take control and management of the roads of said Louisburg Township, and said trustees are hereby vested with all the rights and powers for such control and management as are now vested in and exercised by the board of county commissioners for Franklin County: *Provided*, nothing in this act shall be construed to apply to bridges over Tar River.

Control and management of roads.

Rights and powers of trustees.

Proviso: bridges excepted.

SEC. 4. The board of trustees shall annually elect a chairman, a

Secretary and treasurer.

Duty and bond of treasurer.	secretary and a treasurer. The treasurer shall have charge of all road funds of the township, and may be required to give bond in sufficient amount to cover funds coming into his hands. The board of trustees shall annually elect three of their number, who shall constitute and be known as the executive committee. This committee shall meet at stated intervals, as may be directed by the trustees, shall have a chairman and secretary, shall order and issue vouchers for payment of general expenses connected with working roads and the purchase of machinery and implements, which said vouchers shall be signed by the chairman and secretary of said committee and a record thereof kept; and the board of trustees may delegate to said executive committee any and all of its powers, except that of issuing bonds.
Executive committee. Meetings of committee. Organization. Vouchers.	
Delegation of powers.	
Election of superintendent. Comensation. Term of office. Proviso: removal for cause.	SEC. 5. The said board of trustees shall annually elect a superintendent of roads for Louisburg Township, who shall be paid such compensation out of the road fund of said township as may be fixed by said trustees, and who shall hold office for one year or until his successor shall be elected and qualified: <i>Provided</i> , that said superintendent may at any time be removed by said board, 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 removal. It shall be the duty of said superintendent, subject to the approval of the board, to supervise, direct and have charge of the maintenance and construction of all public roads in Louisburg Township, and he shall submit to said executive committee a monthly report concerning the work in progress and the moneys expended, and such reports as may be required of him. As a guarantee of the faithful and honest discharge of the duties of his office the said board may require of said superintendent such bond as may be deemed advisable.
Duties of superintendent.	
Monthly reports.	
Bond.	
Purchase of machinery and implements. Engineer or surveyor.	SEC. 6. The said board of trustees may purchase such machinery and implements as may be needed for the proper working and construction of the roads, may employ a competent engineer or surveyor, and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act: <i>Provided</i> , that no person shall be subject to road duty.
Proviso: no person subject to road duty. Entrance on land for material.	SEC. 7. That the superintendent of roads of Louisburg Township is hereby authorized to enter upon any uncultivated land near to or adjoining any public road of said township, to cut out and carry away timber, except trees or groves on improved land planted or left for shade or ornament; to dig or cause to be dug and carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair such road, and enter upon any lands adjoining or lying near such roads, in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person, and any person obstructing such drain or ditch shall be guilty of a mis-
Drains or ditches.	
Obstructing drain or ditch a misdemeanor.	

demeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days. If the owner of any land from which timber, stone, clay, gravel or sand were taken, as aforesaid, shall present an account for the same through said superintendent to said board or executive committee within thirty days after the taking thereof, it shall be the duty of said board to pay for the same at a fair price; and in case of any disagreement as to the value the superintendent of roads shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said three freeholders shall assess said damages and report the same in writing to the superintendent of roads.

Punishment.  
Accounts for material taken.

Arbitration of claims.

SEC. 8. That said superintendent of roads, with the approval of the trustees or executive committee, is hereby given discretionary power to locate, re-locate or change any part of any public road in said township, when in his judgment the same will prove advantageous to public travel; that when any person on whose land the new road or part of the road is to be located claims damages therefor, and within thirty days petitions said board of trustees for a jury to assess the damages, the said trustees shall, within not less than fifteen nor more than sixty days after the completion of said road, order a jury of three disinterested freeholders of Louisburg Township, to be selected and summoned by the sheriff of Franklin County, as provided by law, who shall give said landowner forty-eight hours notice of the time and place, when and where the said jury will meet to assess his damages; and said jury, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and if such benefits be considered equal to or greater than the damages sustained, the jury shall so declare and it shall report its finding in writing to said trustees for revision and confirmation: *Provided*, that such owner may appeal to the superior court of Franklin County from the decision of said trustees.

Location and change of roads.

Claims for damage.

Assessment of damages.

Proviso: right of appeal.

SEC. 9. That the said board of road trustees shall be and are hereby authorized and empowered to issue bonds of said Louisburg Township, to be styled "Louisburg Township Bonds," to an amount not to exceed forty thousand dollars, of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board; said bonds to be signed by the chairman and secretary of said board, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such

Bond issue authorized.

Amount.

Denomination.

Interest.

Authentication.

Maturity.

Bonds not to be sold below par.

Issue of bonds.

- amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Franklin County, known as Louisburg Township, as constituted at the time of the ratification of this act.
- Liability for payment.** SEC. 10. That for the purpose of providing for the payment of said bonds and the interest thereon, and for the construction, improvement and maintenance of the roads of said township, the board of county commissioners shall, annually and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said Louisburg Township, of not less than fifteen cents and not more than twenty-five cents on the one hundred dollars assessed valuation of property, and not less than forty-five cents and not more than seventy-five cents on each taxable poll. The taxes so levied shall be collected as other taxes are collected, and paid to the treasurer of said board of road trustees.
- Tax for interest and roads.** SEC. 11. That all funds derived from the sale of any bonds by said board of trustees shall be paid over to the treasurer of said board of trustees, and shall be used for the purpose of constructing and improving the public roads in said township, the purchase of such material, machinery and implements and the employment of such officers and labor as may be found necessary in the carrying out of this work.
- Collection of tax.** SEC. 12. That in the working and construction of roads either convict labor or hired labor, or both, may be used as may be ordered by said board of trustees; and in the working of convicts on the public roads all rights and privileges existing in regard thereto or that may hereafter exist for the use of convicts in Franklin County or any township therein shall exist and apply to the use of convicts on the roads of Louisburg Township.
- Funds paid over to treasurer.** SEC. 13. That all the provisions of this act except sections nine and ten hereof shall be in force from and after the ratification of this act; and that said sections nine and ten hereof and the powers granted and provisions made herein shall be in force from and after the same shall have been submitted to the vote of the qualified voters at an election to be held on a day to be designated by the board of county commissioners of Franklin County. For the holding of said election the said board of county commissioners shall appoint a registrar and two pollholders and any other officers necessary to said election, and shall order a new registration. At the close of said election said registrar and pollholders shall count and canvass the vote cast, and declare the result thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of the said board of commissioners and no other canvass, report or recording shall be
- Specific appropriation.**
- Labor.**
- Convict labor.**
- Bond issue and tax subject to approval of voters.**
- Election officers.**
- New registration.**
- Canvass and return of votes.**

necessary. At said election all voters who shall favor the issue of bonds, the levy of the special tax and the other provisions of said sections nine and ten hereof, shall cast ballots on which shall be printed or written "For Good Roads"; and those opposed to such shall cast ballots on which shall be written or printed "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads," the said bonds shall be issued and said tax levied, and the other powers and duties exercised under said sections nine and ten hereof: *Provided*, that if a majority of said qualified voters shall fail to vote "For Good Roads," said board of county commissioners shall order another election or elections to be held in the manner and with the same effect as above provided, at any time within four years of the date of the first election, when requested to do so by said board of trustees: *Provided, further*, that, until the adoption of the powers, duties and provisions of sections nine and ten hereof by a majority of the qualified voters of said township at an election called and held under the terms and provisions of this section, the method and manner of collection of the special road tax now levied and collected in said township under the provisions of sections twenty-one and twenty-three of chapter five hundred and eighty-one of the Laws of one thousand eight hundred and ninety-nine of North Carolina, as adopted by said Louisburg Township, shall obtain and be continued in force; and the taxes so levied and collected shall be applied and used under the other provisions of this act.

Ballots.

Effect of election.

Proviso:  
further elections.Proviso:  
present tax  
continued.

SEC. 14. That all laws and clauses of laws in conflict with the provisions of this act, so far as they relate to said Louisburg Township, except as otherwise provided in section thirteen of this act, relating to keeping in force sections twenty-one and twenty-three of chapter five hundred and eighty-one of the Laws of one thousand eight hundred and ninety-nine of North Carolina, providing for the levy of a special road tax in said Louisburg Township, are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1911.

## CHAPTER 316.

### AN ACT FOR THE PROTECTION OF LIVE STOCK IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to erect, keep or maintain any barbed wire fencing along

Wire fencing on  
public roads  
forbidden.

- Proviso: protected fences allowed. the public roads in Haywood County: *Provided*, that this act shall not apply to any such fence so kept, where a rail, plank or pole or plated wire three inches or more in width is placed at the top of said fence for the protection of live stock: *Provided, further*, that where a perpendicular embankment not less than three feet high, or a steep hillside exists, and said fence is not in close proximity to such public road, the aforesaid rail, plank or pole, or plated wire may be omitted from said fence.
- Proviso: protection by embankment or hillside.
- Violation of act misdemeanor. SEC. 2. That any person, firm or corporation operating such barbed wire fence in violation of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars (\$50) or imprisoned not more than thirty (30) days, at the discretion of the court; and in addition shall be liable to civil action for damages to live stock injured by reason of the operation of such fences.
- Punishment. Liable for damages.
- When act effective. SEC. 3. That this act shall be in force and effect from and after the fifteenth day of May, one thousand nine hundred and eleven. Ratified this the 25th day of February, 1911.

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### CHAPTER 317.

AN ACT TO PROVIDE FOR AN ISSUE OF BONDS BY CASTALIA TOWNSHIP, IN THE COUNTY OF NASH, FOR THE PURPOSE OF ENCOURAGING THE CONSTRUCTION OF A LINE OF RAILWAY TO THE TOWN OF CASTALIA, IN SAID TOWNSHIP.

*The General Assembly of North Carolina do enact:*

- County commissioners to order election on reception of petition. SECTION 1. That the board of commissioners of the county of Nash be and they are hereby authorized, empowered and directed, when petitioned so to do by one-fourth of the whole number of qualified voters of Castalia Township, in the county of Nash, within thirty days after the presentation of such petition, to call an election to be held in Castalia Township, in said county of Nash, for the purpose of ascertaining whether or not the bonds provided for in this act shall be issued. Notice of such election shall be given by notice printed in some newspaper published in the county of Nash once a week for four successive weeks immediately preceding the date of such election, and posted at the court-house door in said county for thirty days immediately preceding said date. Said notice shall specify the amount of bonds to be voted upon and the purpose for which such bonds are proposed to be used. Said election, if called, shall be held in accordance with the rules and regulations and the general laws of the State of North Carolina governing the election of county officers. In said election all of the qualified voters of
- Notice of election.
- Law governing election.
- Voters.

Castalia Township, in said county of Nash, and no others, shall be entitled to vote. All those entitled to vote in said election who shall favor the issue of bonds hereinafter provided for, shall in said election cast a ballot upon which shall be written or printed the words "For Bond Issue," and all those opposed to the issue of said bonds shall cast a ballot upon which shall be written or printed the words "Against Bond Issue." The result of said election shall be ascertained and the returns thereof made and recorded as prescribed for elections of county officers.

Ballots.

Count and return of votes.

SEC. 2. If in said election a majority of the qualified voters of said township shall cast ballots upon which are written or printed the words "For Bond Issue," it shall be the duty of the board of commissioners of the county of Nash at once to cause to be lithographed a series of coupon bonds, not exceeding in their aggregate amount the sum of fifteen thousand dollars, in such denominations as shall be by them determined. Said bonds shall mature thirty years after their date; shall bear interest at a rate not exceeding six per centum per annum, payable annually; shall express in their face the purpose for which they are issued, as hereinafter set forth, and the name of the township on account of which they are issued, and shall be signed by the chairman and clerk of the board of commissioners of the county of Nash. The interest on said bonds shall be evidenced by coupons, one on each bond for each year's interest, which coupons shall bear the lithographed fac-simile of the signature of the said chairman and clerk of the board of commissioners of the county of Nash: *Provided, however,* that said bonds shall not be lithographed and prepared until it shall be reasonably certain that the purpose for which they are proposed to be issued, as hereinafter specified in section four, will be accomplished.

Bonds to be issued.

Amount.  
Denominations.  
Maturity.

Interest.

Authentication.

Proviso:  
preparation of  
bonds.

SEC. 3. That S. J. Bartholomew, G. D. Taylor and T. A. Matthews, of Castalia Township, in said county of Nash, be and they are hereby appointed a committee to take charge of said bonds, and the said board of commissioners of said county of Nash shall, immediately upon the execution of said bonds, deliver the same to the said committee. Said committee shall be required to give undertaking in penal sum equal to the par value of the bonds so delivered to them, said undertaking to be payable to the State of North Carolina and conditioned for their faithful execution of the duties imposed upon them by this act, and each number of said committee shall be severally liable for the acts of said committee and of every member of the same in this behalf.

Committee to take charge of bonds.

Committee to give bond.

Personal liability of commissioners.

SEC. 4. That the said committee are hereby authorized, empowered and directed to enter into negotiations with any person, firm or corporation with whom they may deem it advisable to negotiate, for the purpose of procuring the construction and operation of a line of railway from the town of Castalia, in Castalia Township, said county of Nash, to some point on the line of railway of the

Committee to negotiate for building railway.

Atlantic Coast Line Railroad Company or of the Seaboard Air Line Railway. For the purpose of procuring the construction of said line of railway, the said committee are hereby authorized and empowered to pledge said bonds for a subscription to the capital stock of any corporation now existing or hereafter to be organized, for such purpose: *Provided, however*, that the said bonds shall not be used in the purchase of the capital stock of any corporation other than one chartered as a common carrier under the laws of the State of North Carolina, or of some other of the United States, or of a narrow gauge railroad authorized under the provisions of section two thousand five hundred and ninety-eight of The Revisal to transport freight and passengers: and *Provided, further*, that said bonds shall not be pledged, nor shall any of them be exchanged for stock of said carrier until the corporation or carriers to whom said bonds are to be delivered shall have completed the line of railway to said town of Castalia, and the first train of cars shall have been operated successfully thereon. If the construction of such line of railway shall be procured, as herein contemplated, then upon its completion, as above set forth, it shall be the duty of the said committee to subscribe for an amount of the capital stock of the corporation constructing the same, equal to the par value of the bonds issued and in their possession, and to give said bonds in exchange for proper certificates of stock in said corporation. Said certificates of stock shall be issued to and in the name of said committee, and immediately upon its issue to them shall be delivered by them to the treasurer of said county of Nash. The said stock shall be common, fully paid and non-assessable, and any dividends accruing upon the same shall be paid to the treasurer of said county of Nash. The said committee are directed to keep full minutes of all their proceedings in this behalf, and to enter in the book of said minutes the number, denomination and amount of the bonds delivered to them by the commissioners of said county of Nash, with a record of said committee's disposal of the same, and shall deliver said book of minutes to the said treasurer of the county of Nash at the time of delivery to him of said certificates of stock. The dividends accruing upon such stock, if there be any, shall be held by the treasurer of the county of Nash as a part of the fund hereinafter provided to be raised by taxation, and shall be applied by him *pro tanto* to the discharge of the interest on said bonds as it matures; and if there be any surplus of such dividends after paying the said interest, it shall become a part of the sinking fund hereinafter provided for.

Subscription to capital stock.

Proviso: roads to which subscription may be made.

Proviso: Bonds not pledged or delivered until road completed.

Subscription on completion of road.

Certificate of stock.

Stock fully paid.

Minutes of committee and record of bonds.

Dividends.

Surplus.

Levy of tax.

SEC. 5. That in order to provide for the payment of the interest on said bonds as the coupons mature, and for the purpose of creating a sinking fund for the discharge of the principal of said bonds at their maturity, the board of commissioners of the county of Nash shall, upon the first Monday of June next succeeding upon the issue of said bonds and annually thereafter, levy a tax, not exceeding

thirty cents on the hundred dollars of property and not exceeding Rate.  
 ninety cents on the poll, upon all property and polls which are  
 subject to taxation in Castalia Township, said county of Nash. The  
 said tax shall be collected as the county general taxes are collected, Collection of tax.  
 and shall be paid to the treasurer and by him kept separate and  
 apart from all other taxes held by him. The said treasurer shall  
 keep an account of all taxes collected and turned over to him under  
 the provisions of this act, and shall use so much of the same each  
 year as may be necessary to discharge the annual interest accruing  
 upon said bonds; and the interest coupons taken up by him shall  
 be a good and sufficient voucher, *pro tanto*, for the money paid.  
 The surplus of said tax each year, over and above the amount neces- Sinking fund.  
 sary for the discharge of the interest on said bonds, shall constitute  
 a sinking fund for the discharge of the principal of said bonds at  
 maturity. The treasurer of said county of Nash shall be required to Bond of county  
 give a bond, in addition to the other bonds required of him, in a treasurer.  
 penal sum, to be determined each two years, equal in amount to the  
 sum of money coming into his hands under this act, and conditioned  
 for the proper accounting by said treasurer for all such sums of  
 money as may come into his hands by virtue of this act. The sheriff Bond of sheriff.  
 shall likewise be required to give an additional bond, in a penal sum  
 equal in amount to the amount of taxes to be collected by him in  
 any one year under this act, conditioned as required by law. The  
 said treasurer and sheriff, each and both, shall be entitled to like Commissions.  
 commissions on the sums collected, received and disbursed by them  
 under this act, as are allowed by law on the county general taxes  
 collected, received and disbursed by them.

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

Ratified this the 25th day of February, 1911.

### CHAPTER 318.

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CABARRUS COUNTY TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying the outstanding and Purpose of bond  
 floating debt of Cabarrus County, which outstanding and floating issue.  
 debt was incurred by the building of bridges and constructing of  
 macadamized roads and other necessary expenses, the board of com-  
 missioners of said county is hereby authorized and empowered to Bond issue  
 issue bonds of Cabarrus County to an amount not exceeding one authorized.  
 hundred and five thousand (\$105,000) dollars of the denomination Amount.  
 not to exceed one thousand dollars, bearing interest from date Denominations.  
 thereof at the rate of not exceeding four and one-half per centum per Interest.

- annum, with interest coupons attached, payable semi-annually on the first days of January and July of each year until said bonds are paid and at such places as may be deemed advisable by said board of county commissioners. Said bonds shall be made payable and become due at the expiration of thirty years from the date thereof, and shall be of such form and tenor and transferable in such way and payable at such place as said board of commissioners may determine.
- Maturity.**
- Authentication.** SEC. 2. The said bonds and coupons shall be numbered and said bonds shall be signed by the chairman of said board of commissioners, countersigned by the clerk of said board and attested by the corporate seal of said Cabarrus County.
- Special tax for interest.** SEC. 3. That for the purpose of paying the accrued interest on said bonds, said commissioners shall annually compute and levy at the time of the levying of other county taxes a sufficient special tax on all real and personal property and all other subjects of taxation, which said commissioners now or hereafter may be allowed to levy taxes upon for any purposes whatever.
- Special tax for sinking fund.** SEC. 4. That for the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of said board of county commissioners, at and after the expiration of twenty years from the date of said bonds, to annually levy and collect a special tax on the same subjects of taxation mentioned, and in addition to that mentioned in section three of this act, and the taxes provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act, and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section five of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said board of county commissioners shall cease to levy taxes for said sinking fund.
- Rate.**
- Investment of sinking fund.** SEC. 5. That it shall be the duty of the 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 county bonds can not be purchased, the said commissioners shall invest said sinking fund in North Carolina State bonds, or may loan the same upon notes or bonds secured by the deposit of such North Carolina State bonds or the bonds issued under this act as collateral security for said loan, or may loan same in any other way deemed absolutely safe by the board of commissioners of said county. Any interest from said fund shall be reinvested in the same way.
- Alternative investments.**
- Specific appropriation.** SEC. 6. That the proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated to the payment of the said outstanding indebtedness heretofore incurred for the necessary expenses of Cabarrus County.

SEC. 7. A record shall be kept by said board of commissioners in a separate book for that purpose of all bonds sold, to whom, the amount and date of sale and the maturity of each bond and its number; and also a record of the bonds redeemed, together with the date of their redemption; and the bonds and coupons, when redeemed, shall be recorded as redeemed and shall be canceled and destroyed. Record of bonds.

SEC. 8. The treasurer of Cabarrus County shall be allowed by said board of commissioners for disbursing the proceeds arising from the sale of said bonds an amount not to exceed one-half of one per centum on the amount so disbursed. Allowance to treasurer.

SEC. 9. That the taxes levied hereunder shall be collected by the sheriff or other officer, charged with the collection of other county taxes, and he shall be liable officially as well as personally under all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and the bond given by said officer for the collection of county taxes shall be sufficient in amount to include the taxes levied and collected hereunder. That said taxes, when collected, shall be kept separate and apart from all other taxes and shall be used only for the purposes for which it was collected. Collection of tax.  
Liability of sheriff.  
Bond of sheriff.

SEC. 10. That immediately after the passage of this act the Secretary of State shall send a certified copy of the same to the register of deeds of Cabarrus County. Copy of act to be forwarded.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1911.

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### CHAPTER 319.

#### AN ACT TO PROVIDE FOR THE PRESERVATION OF CERTAIN RECORDS IN GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Granville County are authorized and empowered to provide a record book in which shall be recorded the marriage bonds and other records in connection with such marriage bonds now in the office of the clerk of the superior court of said county. Record book for marriage bonds.

SEC. 2. In said book shall be entered the name of the proposed husband, the name of the proposed wife, the name of the surety or sureties to such bond, the residence of the parties if given or known, the date of said bond, and any other entry on said bond of the consummation of said proposed marriage, together with the name of the minister or officer officiating at the marriage ceremony, together with the date of the names of the witnesses. Entries in record book.

Payment for work. SEC. 3. That the board of commissioners of Granville County are authorized and empowered to order paid out of the general fund of the county such sum as may be deemed reasonable and fair compensation for doing said work.

Record in register's office. SEC. 4. That said commissioners may provide for a record of said marriage bonds or of some portions thereof to be recorded in the office of the register of deeds for the completion of the records of said office.

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 320.

#### AN ACT TO PREVENT PUBLIC DRUNKENNESS IN JONES COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That chapter thirty-two, section thirty-seven hundred and thirty-three of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by adding between the words "Jackson" and "Ashe," in line four of said section, the word "Jones."

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

Ratified this the 25th day of February, 1911.

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#### CHAPTER 321.

#### AN ACT TO AMEND CHAPTER FIVE HUNDRED AND TWENTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE OWNERS OF LIVE STOCK IN TYRRELL COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That chapter five hundred and twenty-two of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by inserting after the word "in" and before the word "south," in line three thereof, the words "Gum Neck Township and."

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

Ratified this the 25th day of February, 1911.

## CHAPTER 322.

## AN ACT TO EMPOWER THE EX-SHERIFF OF MADISON COUNTY TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That George W. Cole, ex-sheriff of Madison County, is hereby authorized and empowered to collect arrears of taxes for the years one thousand nine hundred and seven, one thousand nine hundred and eight, and one thousand nine hundred and nine, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

Collection of  
arrears  
authorized.  
Years.

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

Persons not  
compelled to pay.

SEC. 3. That the authority given by this act shall cease the first Monday in December, one thousand nine hundred and twelve.

Authority to  
terminate.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 323.

## AN ACT TO AUTHORIZE UPPER LITTLE RIVER AND OTHER TOWNSHIPS IN HARNETT COUNTY TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION AND EXTENSION OF THE ATLANTIC AND WESTERN RAILROAD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon presentation of a written petition to the board of county commissioners of Harnett County, signed by one-third of the resident taxpayers of Upper Little River Township, Lillington Township and Neill's Creek Township, in Harnett County, requesting that an election be called for each township, or for either one of said townships, to vote upon the question of issuing bonds in the amount of twenty thousand dollars for each township, with interest bearing coupons, to aid in the construction and extension of the Atlantic and Western Railroad, from Broadway, in the county of Lee, in an eastern direction through Upper Little River Township and into Lillington Township to the town of Lillington; thence through Lillington Township, the northern part thereof, into Neill's Creek Township to the town of Buie's Creek, said petition to be

Petition for  
election.

Question to be  
voted on.

recorded on the minutes of said board; it shall be the duty of the said board of county commissioners to call an election to be held

County  
commissioners to  
call election.

within sixty days, after the presentation of the said petition, at the polling place or places in the township petitioning and present to the qualified voters of said township, the question of the issuance of bonds for said purpose, the said bonds to be issued upon the terms and conditions hereinafter set forth. The said board of county commissioners shall for at least thirty days preceding the election give public notice of the same, and in said notice stating the purpose of the election, by publishing the same at the court-house door at Lillington, in the county of Harnett, and at three other public places in each township asking for election, and also by publishing the said notice in some newspaper having a general circulation throughout Harnett County.

Notice of election.

New registration.

Law governing election.

Proviso: election officers.

Count of votes and certificate of result.

Returns.

Canvass of returns, declaration and record of result.

Ballots.

Bond issues.

Amount.

Proviso: rate of interest.

Maturity.

SEC. 2. That the said board of commissioners shall order a new registration of the voters of each township petitioning for an election; that the registration and challenge of voters shall be conducted in the same manner and under the same law governing the election of members of the General Assembly now existing, or which may hereafter be enacted, except as hereinafter provided: *Provided*, that the said board of county commissioners shall appoint the registrar and judges of election and all other election officers; that the registrars and judges of election shall, at the close of the polls, count the votes, certify the results and on or before the second day after the election shall make returns to the board of county commissioners, and the said board of county commissioners shall, on or before the fourth day after the election, canvass and return the same, declare the result and cause the same to be entered on the minutes of the said board.

SEC. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed on them the words "For Bond Issue" or "Against Bond Issue," and all qualified voters favoring the issuing of bonds, upon the terms and conditions herein stated, shall vote "For Bond Issue" and all qualified voters not favoring the issuing of the said bonds shall vote "Against Bond Issue."

SEC. 4. In the event that a majority of the qualified voters of the said townships petitioning for election shall at said election vote for the said bond issue, the said board of county commissioners shall have prepared bonds, in such denominations as said board may direct, the total amount to be twenty thousand dollars for each township, wherein the majority of the qualified voters shall have voted for the bond issue, with interest bearing coupons attached, at a rate to be determined by said board: *Provided*, the same shall not be less than four nor more than six per centum per annum, payable semi-annually during the time said bonds shall run, and the principal of said bonds shall be payable at the end of thirty years from the date of the issue; said bonds and coupons shall be payable at the office of the treasurer of Harnett County; both the bonds and

coupons shall be numbered consecutively, and shall be signed by the chairman of the board of county commissioners and shall be countersigned by the clerk of said board, and the said bonds shall have impressed upon them the official seal of the register of deeds of Harnett County. The said bonds shall be styled "Township Bonds to Aid in the Construction and Extension of the Atlantic and Western Railroad," and the said bonds and coupons shall express upon their face that they are issued for and on account of the said townships, wherein the issue is voted upon favorably, and that they are payable out of the taxable property and polls of the said townships.

Authentication.

Style and recital of bonds.

SEC. 5. That the board of county commissioners are authorized and empowered to issue and deliver to the Atlantic and Western Railroad Company the bonds herein provided for upon the receipt of a like amount of said railroad company's first mortgage bonds bearing a rate of interest not less than that of the township bonds herein provided for, the said township bonds to be delivered as follows, viz: The amount issued by Upper Little River Township, when the railroad company is completed through the said township; the amount issued by Lillington Township, when the said railroad is completed to the town of Lillington; and the amount issued by Neill's Creek Township when the said railroad is completed to the town of Buie's Creek in said township. That the said railroad first mortgage bonds hereinbefore referred to shall be held in trust by said board of commissioners for the benefit of said township; and all interest accruing therefrom shall be applied in the same manner as the taxes hereinafter provided for.

Issue and exchange of bonds.

Delivery for Upper Little River.

Delivery for Lillington.

Delivery for Neill's Creek.

Railroad bonds held in trust for townships.

SEC. 6. That it shall be the duty of the said county commissioners of Harnett County to levy annually on all the taxable property and polls in each township voting for bonds a separate tax sufficient in amount to pay the interest on said bonds, and to establish a sinking fund to pay the principal of said bonds; the proceeds of which tax shall be applied first to the payment of the interest on said township bonds, and, secondly, to create a sinking fund for the redemption of said bonds; said tax to be collected in the same manner as now provided by law for the collection of all other taxes. That such taxes shall be held in trust by said board of commissioners for the benefit of the said townships, and none of said taxes shall be applied to any other purpose than that herein provided for; but said sinking fund may, in the discretion of said board of commissioners, be invested in municipal, county or State bonds, or in notes secured by first mortgage upon real estate situate in said townships for an amount not greater than the taxable value of said real estate.

Tax for interest and sinking fund.

Specific appropriation.

Investment of sinking fund.

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

Ratified this the 25th day of February, 1911.

## CHAPTER 324.

## AN ACT TO CREATE ROAD COMMISSIONERS OF ROSE HILL TOWNSHIP, DUPLIN COUNTY, AND TO AUTHORIZE THE ISSUE OF BONDS AND A LEVY OF A SPECIAL TAX FOR BUILDING ROADS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. T. Wilkins, A. R. Bland, W. W. Cook, George W. Boney and W. G. Fussell be and they are hereby appointed road commissioners of Rose Hill Township, Duplin County, and are hereby declared to be a body corporate and politic under the title and name of "Road Commissioners of Rose Hill Township," and as such are authorized to sue and be sued, and are vested with all the powers possessed by corporations and such other powers as are specified in this act; and J. T. Wilkins is hereby named as chairman and A. R. Bland as secretary of said body, and their terms of office shall continue until the first Monday of December, one thousand nine hundred and twelve. That the general election to be held in one thousand nine hundred and twelve and every two years thereafter, five qualified voters of said township shall be elected as successors to said road commissioners in the same manner and under the same provisions as justices of the peace are now elected, whose term of office shall begin on the first Monday of December, one thousand nine hundred and twelve, and shall continue for two years, until their successors are elected and qualified; and they shall be authorized and empowered to elect their chairman and secretary. Every commissioner, before entering upon the discharge of his duties shall take an oath for the faithful performance of his duties to the best of his ability. The commissioners shall receive no compensation for their services.

SEC. 2. That the board of commissioners of Duplin County, in order to provide a fund for building and constructing roads in Rose Hill Township, said county, be and it is hereby authorized and directed, whenever requested so to do by a majority of the said road commissioners of Rose Hill Township, to submit to a vote of the electors of Rose Hill Township the question as to whether or not the said road commissioners shall issue bonds to be paid out of taxes collected from said township in the sum of five thousand dollars, for the purpose of repairing, building and constructing public roads in said township, and whether a special tax on the property of said township of twenty cents on one hundred dollars shall be levied by the board of commissioners of said county, for redeeming said bonds and paying interest thereon. The board of commissioners shall at least twenty days preceding said election give public notice of the time and place for holding said election and the purpose for which

Notice of election.

said election is to be held by publication once a week for four weeks in some newspaper published in said county, and also for thirty days at ten public places in said township, and if no such paper is published in said county, then in some paper circulating in said county.

SEC. 3. That the said election shall be held and conducted in the same manner as prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that the said board of commissioners of Duplin County shall order a new registration and appoint the registrars and judges of election. That the vote shall be counted at the close of the polls and returned to the said board of commissioners at their first regular meeting after such election, and said board of commissioners shall tabulate and declare the result of said 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.

Law governing election.

Proviso: new registration.

Count and return of votes.

Tabulation of vote and declaration of result.

SEC. 4. That at said election the ballots shall have written upon them the words "For Road Tax and Bonds" or "Against Road Tax and Bonds." All those voting who favor the issuing of said bonds and the levy of the special tax shall vote "For Road Tax and Bonds" and all those voting who are opposed thereto shall vote "Against Road Tax and Bonds," and no votes shall be counted unless cast as above specified.

Ballots.

SEC. 5. In the event that a majority of the qualified voters of said township as registered under the new registration shall vote "For Road Tax and Bonds" at said election, the said road commissioners of Rose Hill Township shall have prepared and issued bonds in such denominations as they may determine, aggregating the amount of five thousand dollars. The said bonds shall bear a rate of interest not exceeding six per cent per annum, with interest coupons attached, payable annually on the first day of January of each and every year until their maturity, and the principal of said bonds shall be payable or redeemable ten years after date, or at any time prior thereto, at the option of the commissioners. Said bonds and coupons shall be payable at such place as the road commissioners may designate, and shall be signed by the chairman of the said road commissioners and attested by the secretary, and sealed with the common seal of said road commissioners, which they are hereby authorized to adopt.

Bonds to be issued.

Amount.

Interest.

Maturity.

Authentication.

SEC. 6. That said bonds shall be issued and sold by the road commissioners of Rose Hill Township, at such times and in such manner as the said board desires, but none of them shall be sold for less than their face value. When the said bonds shall be issued, they and the attached coupons shall be numbered consecutively, and shall state on their face when they are due and payable, and said bonds shall show by what authority they are issued.

Issue and sale of bonds.

Sales not below par.

SEC. 7. The proceeds from the sale of said bonds and from the special tax authorized under this act shall be turned over to the

Funds kept separate.

- Separate accounts. county treasurer, who shall keep said funds separate from all other funds, and shall keep separate accounts of the same, and the said county treasurer, before any funds provided for in this act shall be paid over to him, shall execute a sufficient bond, conditioned as other such bonds, to cover said fund, and all orders drawn on the treasurer for the payment of any fund provided for under this act shall specify for what purpose the said order is drawn.
- Bond of treasurer.  
Orders on treasurer.
- Special tax. SEC. 8. That in case the result of said election shall be in favor of issuing said bonds and a levy of the special tax, as aforesaid, the said board of commissioners of Duplin County shall levy annually, on the first Monday in June of each year, a special tax upon all of the property of said township to the amount of twenty cents on the one hundred dollars worth of property, which shall be collected by the sheriff or tax collector, as other taxes; the subject of taxation and levy of taxes shall be the same as that on which the said board of commissioners now, or may hereafter, be authorized to lay and levy taxes for general county purposes. The tax so levied shall be collected as other taxes, 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, not exceeding five hundred dollars per annum, for the redemption of said bonds, and any excess accruing from time to time may be applied to current road building and repairing.
- Rate.
- Collection of tax.
- Specific appropriation.
- Expense of election and bond issue. SEC. 9. That all the expenses in connection with this act and the election thereunder and of printing, issuing and selling said bonds shall be paid by the road commissioners out of the fund provided for under this act, and it shall be the duty of the board of commissioners of Duplin County to audit the accounts of the sheriff and treasurer, as in other cases.
- Audit of accounts.
- Road superintendent.
- Employees and laborers.
- Power and authority of commissioners. SEC. 10. That the said road commissioners of Rose Hill Township are authorized and empowered to employ a road superintendent, and such other employees and laborers as may be necessary for the purpose of building, constructing and repairing roads in Rose Hill Township with the fund provided for under this act, and the said road commissioners shall have full power and authority to do all things necessary to be done in the building, construction, and repairing of said public roads, and may in their judgment, without publication or notice, change the location of roads and straighten same where rights-of-way can be obtained without resorting to condemnation proceedings, and also to expend the money provided for herein. And the county treasurer shall pay the vouchers which shall be issued by the clerk of the board of commissioners of Duplin County, when the items are approved by the chairman and secretary of said board: *Provided, furthermore*, that the scope of the work under this act shall apply to the road beds of Church and and Main streets in the town of Rose Hill and their connection outward to the public roads of the township. The said road com-
- Payment of vouchers.
- Proviso: work on streets.
- Convict work.

missioners are authorized and empowered to provide for a convic-  
 force and use convicts in the constructing, building and repairing  
 said roads and to defray the expenses out of the proceeds from the  
 sale of the bonds and from the special tax; and the courts of the  
 State are authorized to sentence convicts to work the roads of  
 Rose Hill Township in the same manner and to the same effect as  
 they are now authorized to sentence them to work the roads of  
 the various counties. Convicts sentenced to road work.

SEC. 11. This act does not supersede, destroy or in any way Supplement to existing law.  
 change the present law as to working public roads in Rose Hill  
 Township, but is intended to supplement, and add to, the present  
 road work.

SEC. 12. That this act shall be in force from and after its rati-  
 fication.

Ratified this the 25th day of February, 1911.

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### CHAPTER 325.

#### AN ACT TO CREATE PUBLIC ROADS IN GACTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all roads now used for, and over which rural Public roads defined.  
 mail carriers travel in the distribution of mails, are hereby consti-  
 tuted, created and declared public roads or highways, (except, how-  
 ever, that said roads need not be over twelve feet in width) and Width.  
 shall be governed by the laws governing public roads.

SEC. 2. That all laws and clauses of laws in conflict herewith Repealing clause.  
 are hereby repealed.

SEC. 3. That this act shall apply only to Gaston County. Application of act.

SEC. 4. That this act shall be in force from and after its rati-  
 fication.

Ratified this the 23d day of February, 1911.

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### CHAPTER 326.

#### AN ACT PROVIDING FOR THE BETTER CONSTRUCTION AND KEEPING IN REPAIR OF THE PUBLIC ROADS OF WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the petition of one hundred of the quali- Petition for election.  
 fied voters of Wayne County the board of county commissioners of  
 said Wayne County shall call an election to be held in said Wayne  
 County after thirty days notice of the same published in some Notice of election.

Bond issue to be voted on.	newspaper in said county to decide the question as to whether or not the said board of county commissioners shall issue bonds of said county in amount not to exceed two hundred thousand
Amount.	(\$200,000) dollars, the proceeds to be used for the purpose of repairing, improving, building and constructing the public roads and bridges of said county.
Law governing election.	SEC. 2. The election held under the provisions of this act shall be held and conducted as nearly as possible in the same manner, except as to the date thereof, as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: <i>Provided, however,</i> that said board of county commissioners shall appoint the registrars of election and judges and inspectors of elections and any other election officers; that the registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and said county commissioners may or may not order a new registration for said election.
Proviso: appointment of election officers.	The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the second day after said election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other record and declaration of the result of said election shall be necessary.
New registration.	
Count and return of vote.	
Tabulation and declaration of result.	
Ballots.	SEC. 3. At said election the ballots tendered and cast by the qualified voters shall have written or printed upon them the words "For good roads bonds issue" or the words "Against good roads bond issue," and all qualified electors who favor the issue of said bonds shall cast ballots having written or printed thereon the words "For good roads bond issue," and all qualified electors opposed to the issue of said bonds shall cast ballots having written or printed thereon the words "Against good roads bond issue."
Bond issued authorized.	SEC. 4. Should a majority of the qualified electors in said county cast ballots having written or printed thereon the words "For good roads bond issue," as above described, the said board of county commissioners of said Wayne County are hereby authorized and empowered to issue bonds of said Wayne County in the said sum of two hundred thousand dollars, to be in denominations of one thousand dollars or five hundred dollars each, and shall bear interest at a rate not exceeding five per cent per annum, which shall be evidenced by interest coupons attached, payable semi-annually during the time said bonds shall run, and the principal and interest of said bonds shall be payable at such place as the board of county commissioners of said county may determine. All of said bonds shall bear the same date; and when prepared and executed by the said board of county commissioners, under the seal of said county, they shall be sold by said board of county commissioners
Amount.	
Denominations.	
Interest.	
Sale at not less than par.	

at a rate not less than par, and the principal of said bonds shall be payable forty years from the date of their issue. Maturity.

SEC. 5. Should a majority of the qualified electors in said county cast ballots written or printed thereon the words "For good roads bond issue," as above described, the said board of county commissioners, in order to provide funds for the payment of the interest on said bonds, and to provide a sufficient sinking fund for the payment of the principal of said bonds as they become due, shall, at their regular meeting in June, one thousand nine hundred and twelve, and at each regular meeting in June of each and every year 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 ten cents on the hundred dollars assessed valuation of property and thirty cents on the poll, said taxes to be collected as all other taxes are, and to be kept separate in the tax books of the county, to be set aside for the purpose of paying, first, the interest of said bonds, and, second, to provide a sufficient sinking fund to pay the principal of said bonds as they become due: *Provided*, the special tax herein provided for shall be in lieu of the special tax provided for in chapter six hundred and forty-two of the Public Laws of one thousand nine hundred and seven: and if a majority of the qualified voters of said county vote in favor of issuing said bonds, and the said bonds be issued hereunder, no other special tax, except as herein provided, shall be levied and collected in said county for the purpose of repairing, improving, building or constructing the public roads and bridges of said county. Tax for interest and sinking fund.

SEC. 6. Each township in the county shall constitute a road district, and the roads in each township shall be under the management of a supervisor for such township, who shall hold his office for the term of two years, beginning on the day of his qualification: *Provided, however*, that the township supervisors appointed in this act shall hold their office until their successors are elected and qualified as is provided in this act. Rate.

SEC. 7. For the purpose of carrying out the provisions of this act, N. W. Musgrave is hereby appointed supervisor for Goldsboro Township; J. T. Hooks is hereby appointed supervisor for Nahunta Township; W. A. Copeland is hereby appointed supervisor for Great Swamp Township; Milford Aycock is hereby appointed supervisor for Buck Swamp Township; W. M. Musgrave is hereby appointed supervisor for Pikeville Township; O. J. Howell is hereby appointed supervisor for Stoney Creek Township; Walter Gardner is hereby appointed supervisor for Saulston Township; J. M. Wood is hereby appointed supervisor for New Hope Township; W. F. Patrick is hereby appointed supervisor for Indian Springs Township; Major W. Loftin is hereby appointed supervisor for Brogden Township; E. A. Stevens is hereby appointed supervisor for Grantham Township; James Edwards is hereby appointed supervisor for Fork Town- Tax kept separate.

Specific appropriation.

Proviso: other special tax abolished.

Road districts.

Supervisors.

Term of office.

Proviso: terms of appointees.

Supervisors named.

Board of road commissioners.

ship, who when qualified shall, together with the board of county commissioners of said county, acting jointly, constitute the board of road commissioners of Wayne County, a majority of whom shall at all times constitute a quorum for the transaction of business.

Quorum.

Election of supervisors.

SEC. 8. There shall be elected in the county of Wayne at the general election to be held in the year one thousand nine hundred and twelve, and every two years thereafter, by the qualified voters in said county, with other county officers, one road supervisor for each township in said county, who shall be a resident of said township for which he shall be elected, which supervisors, with the board of county commissioners, shall constitute the board of road commissioners for the county of Wayne, and shall hold their office for two years from date of their qualification and until their successors are elected and qualified.

Term of office.

Chairman and clerk of board.

SEC. 9. The chairman of the board of county commissioners shall ex officio be chairman of the board of road commissioners, and the clerk of the board of county commissioners shall act as clerk of the board of road commissioners, and shall keep a record of all the proceedings of the board in a minute book kept for that purpose; and it shall be the duty of the clerk of the board to give written notice to the board of county commissioners and to each supervisor of any meeting which may be called of the board, and each person, either elected or appointed as supervisor, shall appear at each meeting of the board, whether regular or special.

Record of proceedings.

Notice of meeting.

Vacancies.

SEC. 10. Vacancies occurring during the term of office of any supervisor by death, refusal to qualify or otherwise, shall be filled by election by the board of road commissioners at any general or special meeting held subsequent to the happening of such vacancy, and any one so elected shall fill the unexpired term. Any supervisor may be removed from office by the board of road commissioners for any malfeasance in office or neglect of duty, on ten days notice.

Power to remove supervisors.

Bond of supervisors.

SEC. 11. Each supervisor, before entering upon the duties of his office, shall execute a bond, with security to be approved by the board of county commissioners, in such penal sum as the said board may require, not exceeding five hundred dollars, payable to the county, and conditioned for the faithful performance of his duties and the faithful accounting for all moneys coming into his hands as supervisor.

Meeting for organization.

SEC. 12. Should a majority of the qualified electors in said county cast ballots having written or printed thereon the words "For good roads bond issue," as above described, at said election, the county board of supervisors and the board of county commissioners shall, for the proper discharge of their duties, meet at the courthouse on the second Saturday after said election for the purpose of organizing and for the purpose of doing such other business as may come before them to carry out the purposes of this act, and

may adjourn to such time as they may agree upon: *Provided*, said board shall not meet oftener than once in three months, except in case of special meetings called by the chairman. For attending such meetings each member of the board shall receive compensation not exceeding two dollars each per day, to be paid out of road fund.

Proviso: quarterly and special meetings.

Pay of commissioners.

SEC. 13. The board of road supervisors, after the election in the year one thousand nine hundred and twelve, shall qualify and enter upon the duties of their office on the first Monday of December next succeeding their election.

Term of elected supervisors.

SEC. 14. It shall be the duty of each supervisor to make a written report to the board of road commissioners of all the public roads in his township, and he shall specify the nature and extent of the work which he may deem necessary for improving and keeping in repair the roads in his township and shall recommend to the board what work, and when the same should be done, and the probable cost of putting such roads in his township in good condition, which written reports and recommendations shall be filed with the clerk of the board, and the board of road commissioners shall provide money to pay for any work which they may regard necessary out of the road fund; and the board of county commissioners shall issue warrants or orders upon the county treasurer, ordering and directing him to pay any supervisor the amount specified in such order; and should any repair work on such roads in any township become necessary during the interval between any meetings of the board of road commissioners, it shall be the duty of any supervisor to employ the necessary labor and make the necessary repairs, keeping an accurate statement of the number of hands employed, the cost of said work, and the time employed in doing said work, which statement shall be sworn to, and the chairman of the board shall authorize a warrant to issue upon the county treasurer to pay the amount of the bill for such repairs out of said road fund, and the same shall be reported to the ensuing meeting of the board of road commissioners by the clerk of the board.

Reports of supervisors.

Specifications and recommendations.

Money to be provided.

Road orders.

Emergency work.

Sworn statements.

Warrant for payment.

SEC. 15. The township supervisors shall be paid for such time as they give to the working of the roads in their several townships compensation not exceeding two dollars per day for such time as they are actually employed in working hands on the roads in their townships, and for the time necessarily employed in securing hands, obtaining material and inspecting roads when required, to be paid out of the county road fund. They shall keep a regular account of the time necessarily employed by them, and the expenses necessarily incurred by them, with the date of each item thereof, and render a sworn statement thereof to the chairman of the board of road commissioners, who shall order the payment thereof, and the clerk of the board shall make report thereof to the next meeting of the board. No supervisor shall employ any member of his immediate family as laborer, nor shall any supervisor hire any of his own teams in doing the work in his township.

Pay of supervisors.

Sworn statement of accounts.

Orders for payment.

Employment of kinspeople or teams of supervisor.

Superintendent  
of permanent  
roads.  
Compensation.

SEC. 16. The board of road commissioners are authorized to employ a superintendent of permanent roads in the county, who shall be paid such compensation as may be fixed by the board of road commissioners, and to be paid out of the county road fund.

Determination  
and designation  
of permanent  
roads.

SEC. 17. The permanent roads to be built, or improved, by the board of road commissioners, under the provisions of this act, shall, from time to time, be determined upon and designated by the road commissioners, composed of the board of county commissioners and the county supervisor. In determining upon said permanent road work, said board shall take into consideration the needs of the entire county, and every part thereof, opening or improving those roads, which in their opinion will be of benefit to the greatest number of people in said county, and treating every section of the county with equal justice.

Bond of road  
superintendent.

SEC. 18. Said road superintendent shall deposit with the board of road commissioners a good and lawful bond, to be approved by the board of county commissioners, in the sum of one thousand dollars, as a guarantee of the faithful and honest discharge of his duties, which bond shall be filed with the clerk of the board.

Duty of super-  
intendent.

SEC. 19. It shall be the duty of said superintendent of roads, subject to the approval of the board of road commissioners, to supervise, direct and have charge of the maintenance and building of the permanent roads of the county, and he shall submit to the chairman of the road commissioners a monthly report concerning the work in progress, which reports the chairman shall submit to the next regular meeting of the board of road commissioners, and the superintendent shall submit quarterly reports to the road commissioners on the condition of the permanent work in the county, and of the bridges, and make suggestions for any needed improvements, and he shall include in these quarterly reports an inventory of the tools, implements, teams and other equipment on hand.

Monthly reports.

Quarterly reports.

Inventories.

Guards and fore-  
men.

Compensation.

SEC. 20. The road superintendent, subject to the approval of the board, shall appoint such guards and foremen as may be needed to take charge of the convict force. Such guards and foremen shall be paid for such time as they may be required to give to this work, such compensation during the time they are actually employed as may be agreed upon by the said superintendent and approved by the board, the guards and foremen to be paid out of the county road fund: *Provided*, that the board of road commissioners shall have the power to contract the permanent road improvements to the lowest responsible bidder or upon best obtainable terms, and may let the county convicts to such contractor upon such terms as may be agreed upon, the county, however, to provide guards for the convicts in all cases.

Proviso; roads  
may be let to  
contract.

Repair work.

SEC. 21. The repair work in the several townships in the county shall be done by the township supervisor with hired labor; and should for any cause the supervisor be unable to hire suitable labor in the township, he may hire the same at other places in the county,

or elsewhere: *Provided, however,* that the board of road commissioners may, at any time, on account of the difficulty in procuring labor, or for other satisfactory causes, employ all or any portion of the convict force in the repairing of the township roads, so as to afford the public good roads while the permanent road work is being constructed.

Proviso: repair work by convict force.

SEC. 22. The board of road commissioners may at any time when they deem it necessary employ the services of a competent engineer to change the line of any road, or to do other work in either the temporary or permanent road work in the county, when in their opinion such change or work would be advantageous to public travel.

Employment of engineer.

SEC. 23. For the purpose of improving public roads the various supervisors, or the superintendent of permanent road work provided for in this act, shall have authority to enter upon any uncultivated land near to or adjoining the public road, or any improved or cultivated land, when unencumbered by cultivated crops, to cut or carry away any timber, except trees left for ornament or shade, to dig or cause to be dug and carried away any stone, gravel, earth or sand, which may be necessary to improve or repair said roads, and to enter upon any land adjoining or lying near the road to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing such drains or ditches shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars for each day such obstruction remains.

Entry on land for material.

Drains and ditches.

Obstructing drains or ditches a misdemeanor.

Punishment.

SEC. 24. Any person considering himself damaged by the removal of earth, or the cutting of timber, or the digging of drains or ditches as provided for in the preceding section, or any person on whose land any new road may be located, may prefer his claim before the board of road commissioners, and when allowed by the board, such claim, or any part thereof which may be allowed, shall be paid out of any moneys belonging to the county road fund where such damage occurred: *Provided,* such claim for damages shall be made within three months after the completion of said road; and may petition the board for a jury to assess the damages, who shall order a jury of three disinterested freeholders to be summoned by the sheriff or other lawful officer, who shall give the landowner due notice of the time and place when and where said jury will meet to assess damages, if any, over the benefits of the owner of the land. And any landowner or the board may appeal to the superior court from the findings of the jury.

Claims for damages.

Proviso: time for making claim.

Procedure for assessment of damages.

Right of appeal.

SEC. 25. The board of road commissioners shall have power and authority to lay out and provide for the opening of new public roads where public necessity or convenience requires it; and they may discontinue any public roads at discretion, or may convert unnecessary public roads into cartways in any section of the county:

Power to lay out, change or discontinue roads.

Proviso: notice to landowners.

Proviso: right of appeal to county commissioners.

Committee to lay off road and assess damages.

Proviso: appeal to superior court.

Accounts of treasurer.

Reports.

Publication of annual statements.

Use of stock and road implements.

Additional road machinery.

Prisoners to be worked on roads.

*Provided, however,* that no road shall be located, relocated, or changed until the freeholders affected by such location, relocation or change shall have been notified of the proposed action regarding said location, relocation or change: and *Provided, further,* that any freeholder affected shall have the right to appear before the board of county commissioners and be heard regarding said location, relocation or change, and should the freeholder and board of county commissioners fail to agree, then, in that event, the said freeholder may petition the board of county commissioners, in writing, for a committee of three freeholders to be appointed by the clerk of the superior court, which committee shall meet upon the premises and proceed to lay off the proposed road and assess damages, if any, they shall determine upon: *Provided, further,* that any landowner affected or the county commissioners shall have the right of appeal to the superior court from the findings of said committee.

SEC. 26. The county treasurer shall keep a separate account of the road fund of the county, and of each of the several townships therein, the disbursements on permanent roads separate and distinct from the disbursements on the repair work done on the roads in the several townships, keeping each township disbursement separate, and he shall make a written report thereof to the board of road commissioners at their regular meeting, giving a statement of the disbursements from the several road funds since the last meeting of the board, which reports shall be filed with the clerk of the board.

SEC. 27. The clerk of the board shall annually, within six days next before the first Monday of December of each year, make out and certify and cause to be published in a newspaper printed in the county a statement for the preceding year, showing the amount of taxes collected in the county from each township for road purposes; (2) the amount paid to the road commissioners; (3) the amount expended in each township for repair on roads in such township, the building of bridges and repairs thereof; the amount paid out for opening of new roads; the amount of road machinery purchased during the year; and the amount of stock purchased and the cost of each, and the amount of road machinery and stock on hand; the amount of permanent road work done and the cost thereof.

SEC. 28. The stock and road implements and the machinery belonging to the county may be used both on the permanent and repair work upon the roads in the county, and the board of road commissioners are empowered to purchase additional road machinery from time to time as same may be needed for the proper keeping of the roads of the county in good condition, and also for doing the permanent road work.

SEC. 29. That all male prisoners confined in the county jail of Wayne County under final sentence of the court for crime, or imprisonment for non-payment of costs and fines, or under final judg-

ment in cases of bastardy, or under the vagrant acts, all male 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's Prison for a term less than three years, shall be worked on the public roads of the county. Judges of the superior court, or judge or presiding officer of any criminal court of the county, the justices of the peace, and the principal officer of any municipal court, may assign such persons convicted in his court to 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*, that in case of serious physical disability, certified to by the county physician, or other satisfactory reason appearing to the presiding judge, said person so convicted may be sentenced to the penitentiary or to the county jail.

Sentences to road work.

Maintenance and care of convicts.

SEC. 30. Upon application of the chairman of the board of road commissioners to the judges of the superior court presiding in the adjoining counties, or any other counties in the same or adjoining judicial district, which do not otherwise provide for the working of their own convicts on the public roads, may sentence such able-bodied male prisoners as are described in the preceding section, from such adjoining counties in the same or adjoining judicial districts, to work on the public roads of said county, and the costs of transporting, guarding and maintaining such prisoners as may be sent to Wayne County shall be paid by the road commissioners out of the road fund of Wayne 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 Wayne County road fund.

Convicts from other counties.

Proviso: return of convicts.

SEC. 31. It shall be the duty of the board to purchase supplies and provisions at the best price obtainable, as they may be needed from time to time, and they may advertise for bids for supplies for the support of the convicts and all other necessaries during each year. Said bids shall be sealed and filed with the clerk of the board.

Purchase of supplies and provisions.

Advertisement for bids.

SEC. 32. The board of road commissioners may make an allowance to the clerk of the board for the extra work done as clerk as provided for in this act.

Allowance to clerk.

SEC. 33. The board of road commissioners may make an allowance to the treasurer, in lieu of commissions, of a sum not exceeding one hundred dollars per annum.

Allowance to treasurer.

SEC. 34. This act shall not be construed to change the present method of working the roads of Wayne County, but as an addition to laws now in operation governing the working of the roads in said Wayne County.

Construction of act.

SEC. 35. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 36. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, 1911.

## CHAPTER 327.

## AN ACT TO PROVIDE FOR WORKING OF PUBLIC ROADS IN PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

Meetings for appointing overseers and allotting hands.

SECTION 1. It shall be the duty of the supervisors of Perquimans County when there was no supervisors' meeting held on the first Saturday in February, one thousand nine hundred and eleven, to call a meeting on the first Saturday in April, one thousand nine hundred and eleven, for the purpose of appointing overseers and allotting hands to the overseers on their different sections of said roads and on the first Saturday in August and February each year hereafter until this law is repealed, either by vote of the people or by the General Assembly.

Notice.

SEC. 2. It shall be the duty of the said road supervisors within ten days after each of their meetings to serve notice of any appointments of overseers and changes of hands under the supervision of said overseer.

Overseers to call out hands.

SEC. 3. It shall be the duty of all overseers in said Perquimans County to call out all male persons subject to road duty between the ages of eighteen and forty-five years respectively, and work them five (5) days of ten (10) hours each between the months of March first and September first each year, and one (1) day of ten (10) hours between the first day of September and the first day of March, one thousand nine hundred and eleven and each year thereafter.

Road duty.

Notice to hands.

SEC. 4. It shall be the duty of each and every overseer to give each hand twenty-four hours notice of said road day by telling him in person or by leaving a written notice at his home stating time and place of meeting and kind of tool to be carried, and when found necessary the overseer may order said hand to take his horse and cart or horse and gear to be used at the road machine or roller or for plowing said road, but in no case shall any hand be required to hire a horse to be used on said road. And it shall be the duty of the overseer to see that said horse shall not be required more than a usual day's work; but it shall be further empowered to the overseer that when he shall find any person failing to let his horse do a regular day's work, or in his opinion the horse is not doing his duty, he, the overseer, may order the horse carried home or taken out from the machine, and the hand shall only have credit for the hours worked by said horse. The overseer shall give the man credit on his work for the time he furnishes a horse on said road, and the work of a horse a day shall be counted a day's work of the hand.

Teams.

Credit for use of horse.

Change of tools.

Overseer to furnish tools.

SEC. 5. If any hand after taking the tool ordered and the overseer shall find it necessary for him to use another tool, or drive a machine, it shall be his duty to do so: *Provided*, said overseer shall furnish said tool required.

SEC. 6. It shall be the duty of any overseer to remove trees, change ditches and do any necessary work in his opinion that will be of benefit to the roads. Removal of trees and change of ditches.

SEC. 7. All persons subject to road duty failing to work after due notice according to this act shall be guilty of a misdemeanor, and fined not less than twenty dollars nor more than twenty-five dollars for each act, or imprisoned thirty days in the county jail. Failure to work a misdemeanor.

SEC. 8. It shall be the duty of each overseer in said Perquimans County to furnish an affidavit to the court on the fourth Monday in September each year hereafter, setting forth the days worked, the number of hands worked each day, the number of hours worked each day, and the number of teams worked. Affidavits of overseers.

SEC. 9. Any overseer failing to comply with any of the above obligations either by work or by making his report, shall be guilty of a misdemeanor, and fined not less than forty (\$40) dollars nor more than fifty (\$50) dollars, or imprisoned thirty days in the county jail in said county. Failure by overseer misdemeanor.

SEC. 10. It shall be the duty of all persons owning land and draining across any public road in said county, when his ditch is not over a four foot ditch, to furnish sufficient sized tiling and place in said ditch by September first, one thousand nine hundred and eleven; said tiling shall not be less than eight two foot joint for each bridge. Tiling for ditches by landowners.

SEC. 11. It shall be the duty of the county commissioners of Perquimans County on the first Monday in September, one thousand nine hundred and eleven, to order tiling for all ditches failing to be tiled by the landowners, and have sufficient size placed in said ditches, and make an account against the said party failing to place said tiling in his ditch, and place same in the hands of the sheriff, who shall collect same with his regular taxes one-half each year, one thousand nine hundred and eleven and one thousand nine hundred and twelve. Tiling to be furnished by county.

SEC. 12. It shall be the duty of the county commissioners of Perquimans County on the first Monday in June each year hereafter to levy a tax known as a road tax of the amount of fifteen cents on each one hundred (\$100) dollars worth of property and forty-five (45) cents on each poll listed in said county for permanent improvements in said county roads. Said taxes shall be collected by the sheriff at his regular percentage and shall be kept separately, each township having credit for the taxes collected from their respective townships, and may be spent in likewise after taking enough from the whole amount, viz: (1-5) one-fifth from each township to pay for a steel roller to be used in connection with the road machine, the balance to be used in building new roads, filling in swamps and grading said roads in each township, or in purchasing any road machine to be used in the respective townships. Road tax. Rate. Collection of tax. Steel roller.

SEC. 13. It shall be the duty of the treasurer to keep said moneys separate for each township, and separate accounts of same, and Accounts by townships.

when paid out to charge same to the respective township, and out of same deduct his regular percentage as from other funds for the county.

Bond act.

SEC. 14. The General Assembly of North Carolina at the session of one thousand nine hundred and eleven, has passed an act relating to public roads of Perquimans County and authorizing a bond issue for same, which act is dependent upon its being approved by a majority of qualified votes obtained at an election to be held not before January first, one thousand nine hundred and twelve.

When act effective.

Now, therefore, this act shall be and remain in full force and effect from and after its ratification. Should a majority of the qualified voters cast their votes in favor of bonds at the said election in one thousand nine hundred and twelve, then this act shall be thereby repealed, but otherwise this act to continue in full force and effect.

Repealed if bond act is ratified.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, 1911.

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#### CHAPTER 328.

AN ACT TO RATIFY ISSUING OF BONDS OF HALIFAX COUNTY TEN THOUSAND DOLLARS (10,000) IN EXCESS OF THE AMOUNT OF BONDS AUTHORIZED BY CHAPTER THREE HUNDRED AND NINETY-SIX OF THE PUBLIC LAWS OF NINETEEN HUNDRED AND NINE TO BUILD A NEW COURT-HOUSE.

Preamble.

Whereas, the General Assembly of North Carolina, at its session of nineteen hundred and nine, chapter three hundred and ninety-six of the Public Laws of nineteen hundred and nine, authorized the commissioners of Halifax County to issue coupon bonds of said county to build a court-house, in an amount not to exceed thirty thousand dollars, and whereas, the board of commissioners of said county deemed the said bond issue insufficient to build a court-house of the size and kind that the business needs of the county required, and whereas, the commissioners issued and sold ten thousand dollar (\$10,000) bonds in excess of the amount authorized by the Public Laws of one thousand nine hundred and nine, chapter three hundred and ninety-six, now, therefore,

Preamble.

Preamble.

*The General Assembly of North Carolina do enact:*

Bond issue confirmed and validated.

SECTION 1. That the said issue of ten thousand dollars in excess of the thirty thousand dollar issue authorized by the laws of one thousand nine hundred and nine, chapter three hundred and ninety-six, be and the same is hereby in all respects confirmed, ratified,

approved and validated, just as if they were and had been authorized in the act aforesaid.

SEC. 2. That the said commissioners in every year in which they may deem it necessary in order to provide for the payment of said excess of bonds, and the interest thereon, are hereby authorized and empowered to levy a special tax of not more than ten cents on the one hundred dollars value of property, and thirty cents on the poll, observing the constitutional equation of the levy thereof.

SEC. 3. That all laws and clauses of laws in conflict are hereby repealed.

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

Ratified this the 28th day of February, 1911.

### CHAPTER 329.

#### AN ACT TO PROVIDE FOR THE DRAINAGE OF A CERTAIN PORTION OF SILVER CREEK IN BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. R. Patton, F. O. Walton, J. H. Giles, M. A. Bird, J. M. Harbison, J. D. Pitts, J. M. Orders, J. A. Boyles and T. L. Duckworth be, and they are hereby created and established a body corporate and politic under the name and style of Silver Creek Commissioners, and as such shall have power to sue and be sued, plead and be impleaded, together with the right to fill any and all vacancies, occurring in their number, by the election of such person or persons as they may choose from among the owners of bottom lands within the district and between the points on Silver Creek mentioned in section two (2) hereof.

SEC. 2. That it shall be the duty of said Silver Creek commissioners to provide for and superintend the drainage of the lowlands or bottoms of Silver Creek in Burke County and its tributaries, commencing at the foot of McElrath's shoal on said creek and running down the said creek to its mouth at the Catawba River and if necessary down the bed or channel of said river to the first iron bridge about opposite Spainhour's house; and to this end they shall, within sixty days from the ratification of this act, or within a reasonable time thereafter, estimate the number of acres of bottom land on said creek and its tributaries belonging to each owner within said boundaries or points; and for the purpose of making such estimate they may employ a surveyor to survey the bottom land of each and such landowners, lying on said creek within said boundaries or points, and make the calculation of the number of acres owned by each of them.

Assessment on land.	And from time to time, not oftener than once a year, in order to raise money for the purpose of cleaning out, straightening and broadening said creek as aforesaid, the said commissioners shall levy an assessment, not to exceed two dollars and fifty cents (\$2.50) per acre, upon the estimated amount of bottom land of the landowners aforesaid; of which estimate of the number of acres, and the name and amount of each owner thereof, and also the rate of assessment, they shall make a report to the board of commissioners of Burke County, who shall file the same among their records and spread the said report upon their minutes.
Limit.	
Report.	
Notice of report.	SEC. 3. That upon the making and filing of said report, as aforesaid, notice shall be given immediately thereafter for twenty days in some newspaper published in Burke County of the contents of said report, and at the next succeeding meeting of said board of commissioners any party interested may file objection to said report, and thereupon the said board of commissioners shall hear and determine the matters complained of, subject to the right of appeal by the party aggrieved to the superior court of said county, and shall make out an assessment list as near as may be in the manner tax-lists are made, and place the same in the hands of the sheriff of Burke County for collection; said lists, when so placed in the hands of the sheriff, shall be a lien upon the bottom land of the landowner, estimated as aforesaid; and said sheriff may, upon failure or refusal of any such landowner to pay the tax so assessed against him, sell said bottom land, estimated as aforesaid, for the satisfaction of said taxes or assessment, under the same rules, regulations and provisions as he is authorized and empowered to do for the collection of state and county taxes, under the general law of the state relating to the collection of the taxes.
Time for filing objections.	
Hearing on objections.	
Right of appeal.	
Assessment lists.	
Lien on land.	
Sale for assessments.	
Collection of assessments.	SEC. 4. That the said sheriff, upon the delivery to him of the assessment list aforesaid, shall within thirty days thereafter, proceed to collect the same as other taxes are collected by him, and shall receive for such services the same compensation as for the collection of state and county taxes; and under the same bond, and the same so collected the sheriff at the end of ninety days, or sooner if collected, shall pay over to the said board of county commissioners, whose duty it shall be to pay the same over at once to the secretary and treasurer of said Silver Creek commissioners to be used by said Silver Creek commissioners in the cleaning out, straightening and broadening of said Silver Creek within the boundaries and between the points aforesaid under such rules and regulations as said creek commissioners may make and adopt.
Pay of sheriff.	
Money paid over.	
Appropriation of money.	
Time for organization.	SEC. 5. That within sixty days from the ratification of this act the said Silver Creek commissioners shall organize the corporation, hereby created, by the election of one of their number as chairman and another as secretary and treasurer, and it shall be the duty of such chairman and his successors to be selected by said commis-
Organization.	

<p>sioners, to call the meetings of said corporations and to preside over the same, and it shall be the duty of the secretary and treasurer and his successors to be selected in like manner to receive and disburse the funds arising under the provisions of this act upon the order of such chairman and to keep a book in which he shall record the proceedings of said commissioners, and shall also keep an account of his receipts and expenditures as such secretary and treasurer, which books shall be kept open for the inspection of any party interested therein at any time; and the said creek commissioners may require said secretary and treasurer to give a good and sufficient bond payable to said corporation in an amount to be fixed by them, for the faithful performance of his duties and the due accounting for the funds received by him as such secretary and treasurer.</p>	<p>Duty of chairman. Duty of secretary-treasurer. Books open for inspection. Bond of secretary-treasurer.</p>
<p>SEC. 6. That, in the performance of the duties imposed upon them under the provisions of this act, the said Silver Creek commissioners may employ some suitable person to superintend and oversee the hands which they are hereby authorized to employ for the purpose of cleaning out, straightening and broadening said creek within the boundaries and between the points aforesaid, and shall fix the compensation of said overseer for such services and the wages to be paid the hands for such work; they are also authorized to purchase all such tools, implements and machinery as may be needed in the prosecution of the work of draining said creek as aforesaid and to do all other acts and things and to incur all such other expenses as may be necessary to be incurred in carrying out the provisions of this act; the compensation of such overseer and the wages of such hands, and all other expenses incurred under the authority hereof to be paid out of the funds coming into the hands of said corporation under the provisions of this act.</p>	<p>Superintendent or overseer. Compensation and wages. Implements and machinery. Payment of wages and other expenses.</p>
<p>SEC. 7. That said Silver Creek commissioners shall have power to stop all washes, drains and ditches emptying into said creek and its tributaries or upon said bottom lands, to prevent the inflowing of sand and to drain said lands under such rules and regulations as they may adopt; and for the purpose of stopping said drains, washes and ditches, the overseer and hands appointed by said Silver Creek commissioners shall have the right to cut bushes and timber trees and gather stones from the lands of the several and respective owners whereon said drains, washes and ditches are to be stopped: <i>Provided</i>, that the power herein given the commissioners shall not be construed to give them the right to change the natural flow of any watercourse, unless they provide for taking care of said flow: <i>Provided, further</i>, that any person or persons who may be damaged by the action of the commissioners shall have the usual remedy provided by law as to the assessment and recovery for such damages.</p>	<p>Powers of commissioners. Material. Proviso: flow of watercourse. Proviso: claims for damages.</p>
<p>SEC. 8. That a majority of said commissioners shall constitute a quorum for the transaction of all business to be done by them</p>	<p>Quorum of commissioners.</p>

in the management of said corporation and the conduct of its affairs in the prosecution of the work of draining said creek as authorized hereby.

SEC. 9. That all laws and clauses of laws heretofore passed, in so far as they 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 this the 28th day of February, 1911.

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### CHAPTER 330.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS OF UNION COUNTY TO BORROW MONEY TO PROVIDE A HOME FOR THE AGED AND INFIRM OF UNION COUNTY.

Preamble.

Whereas, the commissioners of Union County have heretofore been authorized to sell the county property used for a home for the aged and infirm and to give possession thereof upon the completion of a new home for the aged and infirm, and have advertised the said property for sale heretofore and after selling a part thereof for ten thousand dollars, decline to continue the sale for lack of sufficient bids therefor; and Whereas, they have contracted for lands and the erection of buildings thereon for the sum of about twenty-four thousand dollars, which will become due and payable before they can realize the moneys for the old home for the aged and infirm and it is necessary to provide for the payment of the amount to be paid for the land and buildings for the new home for the aged and infirm.

Preamble.

*The General Assembly of North Carolina do enact:*

Loan authorized.

SECTION 1. That the county commissioners of Union County, for the purpose of providing a temporary loan to be repaid by a sale of the land now used as a home for the aged and infirm of said county, if sufficient for that purpose, are authorized and empowered to borrow fifteen thousand dollars, upon such terms as to length of credit as may be agreed on, and to execute for the payment thereof a note or bond in the name of Union County, to be signed by the chairman of the board of commissioners and attested by the clerk of the board, said note bearing interest not exceeding six per cent per annum.

Amount.

Terms.

Execution of note on bond.

Interest.

Bond issue authorized.

SEC. 2. That in the event the board of commissioners of Union County can not make satisfactory arrangements for borrowing the amount in section one of this act, then the county commissioners of Union County, for the purpose of obtaining a loan to meet the payments contracted for the purchase of land and the erection of suitable buildings thereon for a home for the aged and infirm of

said county, are authorized and empowered to issue bonds, bearing interest not exceeding the rate of six per centum per annum, to the amount of fifteen thousand (\$15,000) dollars, of the denominations of not less than one hundred nor more than one thousand dollars, as they may determine, to each and every of which shall be attached the coupons representing the interest on the said bonds, which shall be due and payable as they may determine. The bonds shall be numbered and the coupons shall bear the number of the bond to which they are attached and when the coupons are due. The bonds shall run for a period of five years and the coupons shall be receivable in payment of county taxes.

Interest.  
Amount.  
Denominations.

SEC. 3. The bonds shall be issued under the signature of the chairman of the board of commissioners, attested by the clerk of the board of commissioners and sealed with the seal of said board of commissioners; and the chairman of the board of commissioners shall, under the direction of the board of commissioners of said county, dispose of said bonds as the necessity for the prosecution of the buildings may require, at a sum not less than their par value.

Maturity.  
Coupons receivable for taxes.  
Authentication.

SEC. 4. That for the purpose of paying the interest as it becomes due on said bonds and of providing a sinking fund for the redemption of the bonds, it shall be the duty of the county commissioners to levy and cause to be collected annually, as other county taxes are levied and collected, a tax upon the real and personal property in said county, not exceeding three cents on the hundred dollars worth of property and nine cents on the poll: *Provided*, that if the said commissioners of Union County shall realize in cash from the sale of the property now used as a home for the aged and infirm of said county an amount sufficient to pay the interest and principal as they become due, then no tax shall be levied or collected, otherwise they shall levy and collect a sum sufficient to insure the prompt payment of the said bonds and coupons when they become due.

Sale at not less than par.

Tax for interest and sinking fund.

Rate.  
Proviso: sale of property.

SEC. 5. That in order that the commissioners of Union County may use the money derived from the sales of lots in the old county property of Union County now used for a home for the aged and infirm and also any excess of the fund raised by taxation under this act, after paying the annual interest 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 with accrued interest, and if no one offers to sell one-fifth of said bonds, then the commissioners of Union County are authorized to designate such bonds, not exceeding one-fifth of said bonds issued, as they may desire to purchase, and after the designation of said bonds and a notice thereof given in person or 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 accrued interest at the time of notice given, then the holder shall not receive any interest subsequently accruing.

Bonds subject to call.

Proceeds of sale  
of present home.

SEC. 6. That the money derived from the sale of the home for the aged and infirm as now used by Union County shall be used for the purpose of paying said bonds and interest or be covered into the general fund of Union County to repay such sums as have been paid from the general fund for the purchase and erection of a home for the aged and infirm of said county on account of the bonds issued under this act.

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

Ratified this the 28th day of February, 1911.

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### CHAPTER 331.

#### AN ACT TO REGULATE THE MEETINGS AND COMPENSATION OF THE COMMISSIONERS OF CATAWBA COUNTY, AND TO DEFINE THEIR POWERS.

*The General Assembly of North Carolina do enact:*

Regular meetings.

SECTION 1. That the board of commissioners of Catawba County shall hold a regular meeting at the court-house in said county on the first Monday in each month, and may adjourn any regular meeting from day to day or to any day in the month, until the business before it is disposed of. Special or extra meetings may be called to meet at other times or places upon notice from the chairman to the members of the board. The board of commissioners of said county may constitute any member or members of said board a committee to perform special services.

Adjourned meetings.

Special meetings.

Committee work.

Pay of commissioners.

SEC. 2. That the members of the board of commissioners of Catawba County shall each receive as compensation for their services and expenses in attending regular and special or extra meetings the sum of two dollars per day and five cents per mile traveled to and from meetings, and shall receive for special services as committeemen such compensation as the board may allow.

Pay for special services.

Appropriations authorized.

SEC. 3. That the board of commissioners are authorized to appropriate and pay from the general funds of the county, in their discretion, to any agricultural or mechanical fair, or stock or poultry show, a sum not exceeding fifty dollars annually; to aid in farm demonstration work, a sum not exceeding three hundred dollars annually and to encourage, equip and maintain any military company organized in the county a total sum of not exceeding one hundred and fifty dollars to any one company.

To fairs.

To farm demonstration work.

To military companies.

SEC. 4. That all laws in conflict with this act are repealed so far as same applies to Catawba County.

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

Ratified this the 28th day of February, 1911.

## CHAPTER 332.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF ANSON COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Anson County be and they are hereby authorized and empowered to levy a special tax for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, at the same time and in the same manner with the levies of other county 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 each taxable poll, and in making the levy the commissioners shall observe the constitutional equation between the property tax and the poll tax. Said tax is to meet the ordinary expenses of said county, and shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner and under the same penalties and within the same time as other taxes levied for said county.

Special tax authorized.

Years.

Rate.

Constitutional equation.

Purpose and collection of tax.

SEC. 2. That the board of commissioners of said county may, if they deem proper and necessary, use any part of the taxes collected under this act in building and repairing the public roads and bridges of said county in such manner and to such extent as they deem advisable.

Use of tax for roads and bridges.

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

Ratified this the 28th day of February, 1911.

## CHAPTER 333.

## AN ACT TO PROHIBIT THE SALE OF WINE IN POLK COUNTY, EXCEPT FOR MEDICAL AND SACRAMENTAL PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to sell or offer for sale wine of any kind or description in the county of Polk, except for medical or sacramental purposes, as is now provided for the sale of wine for medical and sacramental purposes under the provisions of chapter seventy-one, Public Laws of the special session of one thousand nine hundred and eight.

Sale prohibited.

SEC. 2. That any person, firm or corporation violating section one of this act, shall be guilty of a misdemeanor.

Misdemeanor.

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

Ratified this the 28th day of February, 1911.

## CHAPTER 334.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF PERQUIMANS COUNTY TO LEVY A TAX FOR THE WORKING OF PUBLIC ROADS.

*The General Assembly of North Carolina do enact:*

Bond issue ordered.

Denominations.

Maturity.

Interest.

Proviso: time of issue.

Authentication.

Appropriation of proceeds.

Bonds not to be sold below par.

Specific appropriation.

Exemption from county tax.

Coupons receivable for county taxes.

SECTION 1. That the board of county commissioners of Perquimans County shall issue bonds of said county to an amount not exceeding one hundred thousand dollars, to be issued in denominations that may seem advisable to the board of highway commissioners, hereinafter provided for, payable or redeemable in forty years from date of issuing; that said bonds shall bear interest at a rate not exceeding five per cent per annum, and shall have attached interest coupons, payable annually, and at such time or times, and at such place or places as may be deemed advisable by said board of county commissioners; and said bonds shall be made payable at such place or places as said board of county commissioners may determine: *Provided*, that said board of county commissioners shall issue said bonds at such time or times as directed by said board of highway commissioners of Perquimans County and as may be required to meet the expenditures hereinafter provided for in section two of this act. Said bonds shall be valid when signed by the chairman of the board of county commissioners and the secretary of said board of county commissioners, and the coupons shall have fac simile of the signature of the said secretary of the board of county commissioners.

SEC. 2. That the proceeds arising from the sale of said bonds shall be expended by said board of highway commissioners in providing, improving, securing or building such highways or public roads in Perquimans County as may be required and as they, in their judgment, deem necessary for the public business of said county; and no part of said proceeds shall be used for any other purpose.

SEC. 3. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise, for a less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than that set out in section two of this act.

SEC. 4. That said bonds and their coupons shall not be subject to taxation by the county of Perquimans until they have become due and tender of payment shall have been made; and said coupons shall be receivable in payment of all taxes and other public dues of said county for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time or times, or at the place or places therein named, he or they shall not be entitled

to interest thereon for the time they have been outstanding after maturity.

SEC. 5. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the highway commissioners hereinafter provided for in this act, the county commissioners of the county of Perquimans shall, annually, and at the time of levying the general tax, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and twelve, levy and lay a particular tax on all persons and objects of taxation within the limits of said county, on which said board of county commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever: said particular tax to be not more than twenty cents on the one hundred dollars worth of taxable property, at its assessed value, and not more than sixty cents on each taxable poll.

Particular tax.

Rate.

SEC. 6. That said taxes shall be collected by the sheriff of said county of Perquimans in the manner and at the time that the general county taxes are collected; and said sheriff shall pay the same over to the treasurer of said county, who shall keep such money separate and apart from the general county fund, that from the amount of taxes so collected there shall be paid to the board of commissioners of Perquimans County each year a sum sufficient to pay the interest due on said bonds each year, and such sums as may be necessary to provide a sinking fund. The balance shall be held by the said treasurer for the use of the board of highway commissioners. And the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said board of highway commissioners, only on the warrant of the secretary of said board of highway commissioners, which warrant must be countersigned by the chairman of said board of highway commissioners; and must bear in writing on its face the purpose for which it is used: *Provided*, that said board of highway commissioners shall have the power to require from the sheriff and the county treasurer such bonds, in addition to those which may be exacted by the county authorities, as will, in the judgment of said board of highway commissioners, insure a faithful performance of duty, and the safe keeping of the funds belonging to said board of highway commissioners, for the purpose or purposes hereinbefore stated: and *Provided, further*, that for the collection of said particular tax, no greater compensation than two dollars for each one hundred dollars collected shall be allowed, or if less than one hundred dollars, an equal proportion thereof, and that for receiving and disbursing any moneys belonging to the said board of highway commissioners, in accordance with section six of this act, no compensation or commission shall be allowed greater than fifty cents for each one hundred dollars received, or if received and disbursed in amounts less than one hundred

Collection of tax.

Separate fund.

Interest and sinking fund.

Balance to road fund.

Warrants.

Proviso: bonds of sheriff and treasurer.

Proviso: commission of sheriff and treasurer.

<p>Proviso: no commission on sale or proceeds of bonds.</p>	<p>dollars, the same proportion shall be maintained: <i>Provided, further,</i> that no commission, compensation or emolument of any kind whatsoever, shall be allowed or paid for disposing of or selling the bonds provided for in section one of this act; nor for receiving or disbursing the proceeds thereof.</p>
<p>Sections submitted to vote.</p>	<p>SEC. 7. That the provisions of sections one and five of this act shall be submitted to a vote of the qualified voters of said Perquimans County, at an election to be held on a day to be designated by the board of county commissioners for the county of Perquimans within twenty-two months after the ratification of this act; not sooner than January first, one thousand nine hundred and twelve,</p>
<p>Time for election.</p>	
<p>Notice of election.</p>	<p>that thirty days notice of such election, containing a copy of the provisions of sections one and five of this act, or a synopsis of the same, shall be given in a notice posted at the door of the county court-house and three other public places in the county of Perquimans, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of general elections in said county. Those qualified voters approving the said issuance of bonds provided for in section one and the levying and collecting of those particular taxes provided for in section one and the levying and collecting of those particular taxes provided for in section five of this act, shall deposit a ballot containing the written or printed words, "For bonds," and those disapproving the same shall deposit a ballot containing the written or printed</p>
<p>Law governing election.</p>	<p>words "Against bonds." If a majority of the qualified voters shall vote for bonds, it shall be deemed and held that a majority of the qualified voters of said county is in favor of granting to the aforesaid board of county commissioners authority to issue said bonds, and to the board of county commissioners of said county authority to lay and levy said particular tax, and said board of county commissioners shall have such authority. But if a majority of such qualified voters shall vote against bonds, then said board of</p>
<p>Ballots.</p>	<p>county commissioners shall not have such authority: <i>Provided,</i> that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the county of Perquimans, and after thirty days from the date of such enrollment, such record shall not be opened to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: and <i>Provided, further,</i> that if a majority of such qualified voters shall fail to vote in favor of issuing bonds and of levying said particular taxes, said board of county commissioners shall order another election at any time after the expiration of sixty days from the date of the former election, when requested to do so by said board of highway commissioners; and if at such an election a majority of the qualified voters vote for bonds, it shall have the same force and effect as if no election had been previously</p>
<p>Effect of election.</p>	
<p>Proviso: record of result.</p>	
<p>Proviso: further elections.</p>	

held: *Provided, further*, that no election shall be held under the provisions of this act after the first day of February, one thousand nine hundred and thirteen. Proviso: limit of time.

SEC. 8. That W. B. Hudson, T. F. Winslow, R. A. Brinn, E. E. Everett, W. W. Copeland, Sidney Sutton, Geo. R. Bateman, S. J. Sutton, E. D. Winslow, Thos. McNider, William Bray, J. C. Wilson, L. C. Relfe, W. F. Umphlett, A. N. Winslow, J. H. Miller, E. O. Perry, each and every one citizens of Perquimans County, shall be and are hereby constituted a "board of highway commissioners of Perquimans County"; that all shall hold office until the first Monday in June, one thousand nine hundred and fourteen; and their successors elected as hereinafter provided, shall hold office for the term of three years each, the vacancies occurring by reason of the expiration of the terms of offices of the highway commission as aforesaid, shall be filled by a majority vote of the county commissioners of said county of Perquimans. Such election shall be held on the first Monday in May of each year in which such expiration shall occur: *Provided, further*, that any and all vacancies in said board of highway commissioners occurring by reason of death, resignation or otherwise than by expiration of term of office, shall be filled by a majority of the other members of said board of highway commissioners: and *Provided, further*, that the position of highway commissioner shall not constitute an office within the meaning of article seven, section fourteen, of the constitution of North Carolina. Highway commissioners.  
Term of office.  
Term of successors.  
Election of successors.  
Proviso: vacancies.  
Proviso: commissioners not officers.

SEC. 9. That the said board of highway commissioners of Perquimans County and their successors shall be and are hereby constituted a body corporate by name and style of the "Board of Highway Commissioners of Perquimans County," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold or exchange or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, which it may break and change at pleasure. Commissioners incorporated.  
Corporate name.  
Corporate powers.

SEC. 10. That it shall be the duty of said board of highway commissioners to build, construct, improve and in other ways benefit the public highways of the county of Perquimans. And said board of highway commissioners can and shall appropriate and use the funds derived from said bonds and from said particular tax, in such manner as may be deemed by them advisable and for the benefit of the people of the county, for the purposes set out in this section. the general law governing roads in the county of Perquimans; shall Duty of commissioners.  
Use of funds.

SEC. 11. That said board of highway commissioners shall have exclusive control of all public roads and highways in said county, free from the supervision and control of the officers now created by the general law governing roads in the county of Perquimans; shall prescribe rules and regulations not inconsistent with this act for Powers of highway commissioners.

their own government and for the government and up-keeping of the roads; shall prescribe the qualifications, employ and fix the compensation of all officers and employees of said board of highway commissioners: *Provided*, that no member of the board of highway commissioners shall receive as compensation more than two dollars, and mileage at five cents per mile each day, for each day when actually in discharge of the duties of his office.

Proviso: compensation of commissioners.

Repealing clause.  
Proviso: present law re-enacted.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that if said issuance of bonds be not approved by the qualified voters of Perquimans County, then the present road law applying to said county be and is hereby re-enacted: *Provided, further*, that until said question is presented to the voters of said county, the present law shall remain in full force and effect.

Proviso: present law continued in force.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 28th day of February, 1911.

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#### CHAPTER 335.

#### AN ACT TO AMEND THE ROAD LAW OF JACKSON COUNTY, RELATIVE TO BRIDGES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirty-five of chapter ninety-seven of the Public Laws of the General Assembly of one thousand nine hundred and three, entitled "An act to provide a better system for working and maintaining the public roads in Jackson County," be and the same is hereby amended by adding at the end of said section the following: *Provided*, that except for special reasons shown to the satisfaction of the board of commissioners, they shall not be responsible for the construction, maintenance or repair of any bridge on any public road in said county, which bridge is only twenty feet or less in length, or for the maintenance and repair of any bridge which is only twenty-five feet or less in length, but that unless otherwise ordered by the board of commissioners of said county, all bridges of twenty feet and less in length shall be constructed, maintained and repaired by the road trustees for the township in which such bridge is located, and after construction any bridge of twenty-five feet or less in length shall be maintained and repaired by said trustees, and that no new bridge or bridge at a new place for which the county is responsible, either for the construction or maintenance, shall be constructed until the same is located and its construction ordered by the board of commissioners for said county.

Proviso: bridges a charge on townships.

Order for construction of bridges.

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

Ratified this the 28th day of February, 1911.

## CHAPTER 336.

## AN ACT TO PROHIBIT DRUNKENNESS AND DISORDERLY CONDUCT UPON THE GROUNDS OF HODGES INSTITUTE, IN BLADEN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to <sup>Acts prohibited.</sup> curse or use indecent language upon the grounds or premises of Hodges Institute, in Bladen County, North Carolina, at any time, or near enough thereto, upon any public occasion, to disturb those assembled, or to go or be upon the grounds or premises of said institute in an intoxicated condition, or carrying upon his person any liquors, wines, ciders or other intoxicating beverages, or to have the same near enough to said premises upon any public occasion to be a source of annoyance, or to act in a boisterous or disorderly manner upon said premises or grounds, or near enough thereto to be and become a source of annoyance.

SEC. 2. Any person or persons violating the provisions of this act <sup>Punishment.</sup> shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than thirty days, or both, in the discretion of the court.

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

Ratified this the 28th day of February, 1911.

## CHAPTER 337.

## AN ACT TO ENCOURAGE THE EARLY PAYMENT OF TAXES IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Buncombe <sup>Discounts authorized.</sup> County shall have the authority to allow the following discounts upon regular State and county taxes, levied in said county as hereinafter provided: First, in all cases where the full amount of all <sup>Payment in September or October.</sup> State and county taxes, due by any taxpayer shall be paid during the months of September and October of the fiscal year in which same are due, a discount of two (2) per centum of said taxes shall be allowed the said taxpayer; second, in all cases where the full amount of said taxes is paid during the months of November and <sup>Payment in November or December.</sup> December of the fiscal year in which said taxes are due, a discount of one (1) per centum of said taxes shall be allowed to said taxpayer.

State tax not reduced.

SEC. 2. That no discount allowed by the board of county commissioners of Buncombe County, as provided in the preceding section, shall have the effect of relieving said county of any portion of the tax due the State of North Carolina in any case where a discount has been allowed to any taxpayer; but settlement shall be made with the State Treasurer in the same manner as if no discount had been allowed to any taxpayer.

Order for allowance of discount.

SEC. 3. That the discount upon taxes provided in the first section of this act shall be given and allowed only upon condition that the board of county commissioners of Buncombe County shall pass an order, at some regular meeting, between the first Monday in June and the first Monday in September of the fiscal year in which said taxes are due, said order providing that the discount be allowed, and directing the tax collector of Buncombe County to allow same.

Proviso: levy and collection of tax.

SEC. 4. *Provided*, that nothing in this act shall be so construed to nullify the existing law relating to the levying and collection of taxes in Buncombe County.

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

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

Ratified this the 28th day of February, 1911.

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## CHAPTER 338.

### AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS IN FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Salary and mileage of chairman.

SECTION 1. That the chairman of the board of commissioners for Franklin County, in lieu of the per diem fixed by section two thousand seven hundred and eighty-seven of The Revisal of one thousand nine hundred and five of North Carolina, shall receive for all services rendered on said board an annual salary of one hundred and twenty-five dollars and mileage as heretofore fixed by law; and each of the other commissioners shall receive for their services in lieu of all other compensation now provided by said statute the sum of one hundred dollars per annum and mileage as heretofore fixed by law; said salaries and mileage to be paid quarterly, and paid pro rata for the remainder of one thousand nine hundred and eleven.

Salary and mileage of commissioners.

Quarterly payments.

Pro rata for 1911.

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 this the 28th day of February, 1911.

## CHAPTER 339.

AN ACT AUTHORIZING AND DIRECTING THE REPAYMENT  
OF CERTAIN SCHOOL FUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the United States Government makes adequate provision for and undertakes the education of the Indian children in any county of this State, and said provision is satisfactory to and approved by the county board of education and county superintendent of public instruction of said county, the proper officers of such county are hereby authorized, empowered and directed to pay to the United States, through the superintendent of the Indian school at Cherokee, North Carolina, or such other person as may be designated by proper authority to receive it, a sum of money equal to the total amount of school taxes paid to such county by the Indians of the county as individuals and by the Eastern Band of Cherokee Indians as a State corporation; all such funds to be used for the maintenance of said schools.

Repayment of school taxes to Indians.

Use of funds.

SEC. 2. That this act shall not apply to taxes paid by persons of Indian blood who are recognized as citizens and voters and whose children are admitted to attendance in public schools for white children.

Indians recognized as citizens.

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

Ratified this the 28th day of February, 1911.

## CHAPTER 340.

AN ACT TO PLACE THE OFFICERS OF ROBESON COUNTY  
UPON A SALARY BASIS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sheriff, clerk of the superior court, register of deeds and treasurer of Robeson County, and their several deputies and clerks, shall collect, receive and account for all the fees to which they become entitled by virtue of their respective offices under the laws of North Carolina relative to salaries and fees, or such as may hereafter be enacted by the General Assembly, and shall pay the same on the first of every calendar month, or within five days thereafter, to the treasurer of Robeson County; and said officers and each of them shall be responsible for and chargeable with all moneys of every kind which are paid into their respective offices and shall be held to strict account therefor; and the moneys so paid shall be kept by the treasurer of said county in a separate fund to be known as the "salary fund."

Officers to collect and account for fees.

Monthly payments.

Responsibility of officers.

Salary fund.

Officers to collect fees.

Salaries and compensation.

Abstraction, concealment or misapplication a felony.

Punishment.

Failure to collect fees a misdemeanor.

Punishment.

Fees to be collected in advance.

Payment to treasurer.

Account books.

Books open to inspection.

Itemized accounts.

Auditor to prescribe forms.

Rules and regulations.

Sworn monthly statements.

Audit of statements.

SEC. 2. The said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to their respective offices; and they shall receive as compensation for their services only such salaries and compensation as is provided for in this act; and for any abstraction, concealment or misapplication of any of the moneys payable into their respective offices, which any of them have collected, the person so offending shall be guilty of a felony and upon conviction shall forfeit his said office and be punished as is now by law provided in cases of embezzlement by public officers.

SEC. 3. Any officer of Robeson County, or any clerk or deputy thereof, who shall fail or refuse to collect any fee, commission or emolument of any kind belonging to his office, shall be guilty of a misdemeanor and shall be fined or imprisoned, in the discretion of the court; and all fees, commissions or emoluments which should be collected by such officers under the laws of the State of North Carolina, shall be demanded and collected by them in advance unless otherwise provided by law, and upon being collected shall be turned over to the treasurer of said county as provided by this act.

SEC. 4. That each and all of said officers shall open and keep a separate set of account books, consisting of a daily journal and a ledger, in which shall be promptly, correctly and accurately entered itemized accounts of all moneys collected or received by such officers by virtue of their office, or which by law are or may be payable into their respective offices; and all of said books shall at all times be open to the inspection of the public upon demand, and said books shall be safely and securely kept so as to prevent and guard against the loss or destruction thereof. Said books shall show in itemized form the name of the person paying in any sum of money, the date when paid, the purpose for which it is paid and the amount thereof. The auditor of Robeson County shall have power to prescribe the form of books to be kept, not inconsistent with this act, and to prescribe rules and regulations for the keeping thereof, and said books shall be kept in the form and after the method so prescribed by said auditor.

SEC. 5. At the end of each calendar month, or within five days thereafter, a true and accurate statement shall be transmitted by each of said officers, under oath, to the auditor of said county; said statement to contain and show in detail all of the entries made upon said books during the preceding calendar month, and upon receipt of such statements it shall be the duty of said auditor to cause each statement to be checked and compared with the books of original entry, and if upon such checking and comparison it shall be ascertained that the statement submitted by any officer does not conform to and correspond with the books of original entry, or if it be ascertained that the statement so submitted is not a true and correct statement of the transactions of his office for the preceding

month, then it shall be the duty of the auditor of said county to ascertain and determine the true and correct amount which should be paid by such officer for moneys collected and received by him during the preceding month by virtue of his office, and upon the amount being so ascertained by the auditor, it shall be his duty to cause the officer to pay over the amount so ascertained to be due to the county treasurer; and if he shall fail to do so, then the matter shall be reported to the county attorney and it shall be his duty to institute action against such officer and his official bond in the superior court or other court of competent jurisdiction in the county of Robeson and to prosecute such action to final judgment and to collect the amount due by such officer and pay over the same to the county treasurer.

Moneys to be paid over.

Action on bond.

SEC. 6. Any of said officers who shall fail, neglect or refuse to make the monthly statement as required by the preceding section, or who shall willfully submit any false or incorrect statement, shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned, in the discretion of the court.

Failure to make statement a misdemeanor.

Punishment.

SEC. 7. The sheriff of Robeson County shall receive for his salary and clerk and deputy hire the sum of forty-five hundred dollars (\$4,500) per annum, and shall also receive the amount of his actual expenses for conveying prisoners from the place of trial to jail and from jail to the place of trial; for taking prisoners to the State's Prison or chain gang; for taking insane persons to the State Hospital; and it shall be the duty of the sheriff to render to the board of commissioners of said county, monthly, a statement of the expenses hereinbefore provided for, showing the date the expense was incurred, the purpose for which incurred and the amount thereof; and thereupon, if the board of commissioners be satisfied that the account submitted is correct, then the amount thereof shall be paid to the sheriff by the treasurer upon the warrant of the board of commissioners, countersigned by the clerk of such board, and the amount thereof shall be paid by the treasurer out of the "salary fund" herein provided for.

Salary of sheriff.

Expenses allowed.

Monthly statements.

SEC. 8. Out of the annual allowance made to the sheriff by section seven of this act, the said sheriff shall employ and pay the compensation of one office clerk and one field deputy, and it shall be the duty of the field deputy to serve all legal process to be served within a radius of fifteen miles of the court-house at Lumberton: *Provided, however,* that the sheriff may appoint one deputy sheriff in each township of Robeson County, except such as lie wholly within a radius of fifteen miles of the court-house at Lumberton; and the sheriff of Robeson County is hereby permitted to send to said deputies, and have served by them, any and all summonses, subpoenas, notices, executions, or other legal process whatsoever, where the persons upon whom such legal process is to be served shall reside, or be served, fifteen or more miles from the court-house at Lumberton,

Deputies to be paid by sheriff.

Proviso: township deputies.

Fees allowed township deputies.

and the said deputies shall be allowed to receive and retain for their services the legal fees made and collected by them in serving such summonses, subpoenas, notices, executions and all other legal process whatsoever.

Commissions on taxes.

SEC. 8½. The sheriff of Robeson County shall retain and pay over to the treasurer of said county for the benefit of the salary fund herein provided for, any and all commissions heretofore allowed him by law for the collection of taxes: *Provided, however,* that the said sheriff shall be allowed to keep and retain for his own use and benefit, any and all commissions which may be earned by him or his deputies for the collection of taxes from persons residing fifteen or more miles from the court-house at Lumberton where such persons fail to pay the taxes due by them on or before the first day of February next after the said taxes become due and payable.

Appointment of jailer.

Salary.

SEC. 9. The sheriff of said county shall also appoint a jailer, whose salary shall be fixed by the board of commissioners of said county, but such salary shall not be less than fifty dollars per month; and the actual expenses of maintaining the common jail of said county, as heretofore, shall also be paid by the board of commissioners of said county from the funds of the county as now provided by law, as well as the salary of said jailer.

Expense of jail.

Salary of clerk of superior court.

SEC. 10. The clerk of the superior court of Robeson County shall receive for his salary, and for deputies and other clerical assistance, the sum of forty-one hundred (\$4,100) dollars per annum; and out of the allowance made to said clerk in this section, the said clerk of the superior court of Robeson County shall employ and pay the compensation of at least one deputy clerk and one office clerk and such other and further clerical assistance as the public business may require; and it shall be the duty of the said clerk of the superior court of Robeson County to at all times provide and pay for sufficient clerical assistance for the prompt and efficient discharge of his duties as clerk and of all duties imposed upon him by law.

Clerical assistance.

Register of deeds.

SEC. 11. The register of deeds of Robeson County shall receive for his salary and for deputies and other clerical assistance the sum of forty-three hundred (\$4,300) dollars per annum; and out of the allowance made to said register of deeds in this section, he shall employ and pay the compensation of at least one deputy register of deeds and two office clerks and such other and further clerical assistance as the public business may require; and it shall be the duty of the said register of deeds to at all times provide and pay the compensation of sufficient clerical assistance for the prompt and efficient discharge of his duties as register of deeds and of all duties imposed upon him by law.

Clerical assistance.

Treasurer.

SEC. 12. The treasurer of Robeson County shall receive for his salary and for clerical assistance the sum of twenty-four hundred (\$2,400) dollars per annum; and out of the allowance made to said treasurer in this section, he shall employ and pay the compensation of at least one clerk and such other clerical assistance as the public

Clerical assistance.

business may require; and it shall be the duty of the said treasurer to at all times provide and pay the compensation of sufficient clerical assistance for the prompt and efficient discharge of his duties as treasurer and of all duties imposed upon him by law.

SEC. 13. That in addition to the salaries herein provided and the allowances herein set forth, the board of commissioners of Robeson County shall furnish each of said officers with all necessary supplies for conducting the business of their office and such supplies shall be paid for by the county of Robeson and by the general county fund thereof. Office supplies.

SEC. 14. That the salaries and allowances herein provided for the several officers of Robeson County shall be in lieu of all other compensation now allowed by law; but they shall each continue to collect and pay over to the treasurer of Robeson County for the credit of the "salary fund" described in this act, all fees, commissions and emoluments coming into their hands by virtue of their office. Fees to be collected and paid over.

SEC. 15. If it shall appear at any time to the board of commissioners of Robeson County that the allowance made by this act to the several officers for deputies or clerical assistance is insufficient to provide for the prompt and efficient transaction of the public business, and that the public interest requires that other assistance be provided or that the allowances for clerical assistance be increased, then the board of commissioners shall have power, upon ascertaining such facts, to provide such other and further deputies or clerical assistance for any of said officers or for the auditor of Robeson County as may be reasonably necessary to promptly and efficiently carry on the public business, or to increase the amount of the allowances herein made; and in such event the salaries as determined by the board of commissioners shall be in lieu of the salaries provided for in this act, and the amount thereof shall be paid out of the salary fund as herein provided. The action of the board of commissioners in this behalf shall be spread upon the minutes of said board: *Provided*, that the increase for any one officer's office shall not exceed three hundred dollars over the amounts herein allowed: and *Provided, further*, that no increase whatsoever shall be made except upon the recommendation and approval of the county auditor and the county attorney. County commissioners may increase allowances for clerical assistance.

SEC. 16. All the salaries herein provided for shall be paid by the treasurer of Robeson County to the persons entitled to receive the same, in equal monthly installments, upon warrants drawn by the board of commissioners of said county and countersigned by the clerk to said board, and said warrants, when paid, shall be charged to the salary fund herein provided. Record of allowance.  
Proviso: limit of increase.  
Proviso: recommendations for increase.

SEC. 17. All moneys coming into the hands of the treasurer by virtue of this act shall be held by him as a separate and distinct fund and so much of said fund as shall be necessary shall be applied to the payment of the salaries and allowances herein provided for. Salaries payable monthly.  
Separate fund.

- Separate accounts. The treasurer shall open a separate account with each of the several officers of said county which shall show the amount received from each officer and the amount paid to such officer, and the said accounts shall be at all times open to the public.
- Annual statements of salary fund. SEC. 18. On the first Monday in January in each and every year it shall be the duty of the said treasurer to submit to the board of commissioners of said county a detailed statement of the condition of the said salary fund, showing the amounts received during the preceding year from each officer and the amounts paid out to each officer; and the balance remaining in said salary fund to the credit of each of the respective officers; and after the payment of the salaries and allowances herein provided, the balance remaining in said salary fund shall, on the said first Monday in January in each year, be turned over by the treasurer into the general fund of said county to form a part thereof and to be at the disposal of the board of commissioners of said county as a part thereof.
- Balance to county fund. SEC. 19. All officers of Robeson County who are now, or may hereafter be required to give bond for the faithful performance of their duties, shall give bond in a surety company approved by the board of commissioners of said county, and the premium thereon shall be paid out of the salary fund provided in this act.
- Bonds of officers. SEC. 20. The officers hereinbefore mentioned shall faithfully and truly perform all of the duties of their several offices which are now or which may hereafter be imposed upon them by law; and they shall receive no other compensation or allowance of any kind whatsoever for any extra or additional services rendered to the county, State or other governmental agency, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their said offices.
- Officers to discharge duties. SEC. 21. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.
- Further compensation forbidden. SEC. 22. That this act shall apply only to the county of Robeson.
- Repealing chance. SEC. 23. That this act shall be in full force and effect from September first, one thousand nine hundred and eleven.
- Application of act. Ratified this the 28th day of February, 1911.
- When act effective.

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### CHAPTER 341.

#### AN ACT TO AMEND CHAPTER FIFTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE.

*The General Assembly of North Carolina do enact:*

- Law amended. SECTION 1. That chapter fifty-nine of the Private Laws of one thousand nine hundred and three, as amended by chapter six hundred and four of the Public Laws of one thousand nine hundred and seven, be amended by inserting after section sixteen the following:

SEC. 2. It shall be the duty of said supervisors of said Smithfield Township roads to work or have worked all the public roads or highways that lead through the town of Smithfield; and to build, erect and maintain all necessary bridges and culverts on the said public roads or highways leading through the town of Smithfield: *Provided*, this section shall not apply to working the side streets of said town.

Work on roads through Smithfield.

Bridges and culverts.

Side streets.

SEC. 3. That the said supervisors of Smithfield Township roads shall work the public roads leading through the town of Smithfield, and shall build all the necessary bridges and culverts across the same under the supervision and direction of the mayor of said town.

Work under supervision of mayor.

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 effect from and after its ratification.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 342.

### AN ACT TO PROVIDE FOR AND REGULATE HOLDING OF PRIMARY ELECTIONS IN THE COUNTY OF WARREN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of choosing candidates for Congress and all State and county offices and for the selection of delegates to the county conventions and precinct committeemen of the Democratic party, the said county of Warren shall hold at the several voting places in the said county on such days as the Democratic executive committee of the county of Warren shall designate, for the year one thousand nine hundred and twelve and biennially thereafter a primary election.

Primary elections ordered.

Date.

SEC. 2. The hours of holding said election shall be between the hours of eight o'clock in the morning and five o'clock in the afternoon.

Hours of election.

SEC. 3. The Democratic executive committee of Warren County shall appoint two managers and one challenger to hold said primary election, who are hereafter designated election officers, and the said managers and challengers shall pass upon the competency of each elector to participate and vote in said primary election; and in all other respects, except as herein modified, the said primary election shall be held and conducted under the same rules and regulations as prescribed in the general election law of the State of North Carolina.

Managers and challengers.

Law governing election.

SEC. 4. Every bona fide member of the Democratic party who is a

Electors.

- qualified elector shall be permitted to participate in said Democratic primary upon taking an oath if required by election officers that he is a resident of the precinct at which he proposes to vote, and a duly qualified elector and has not voted before in said primary election. The name of said elector shall be recorded upon a poll book kept by said party managers and shall be returned immediately after said election to the Democratic executive committee of said Warren County.
- Poll books.
- Count and return of vote. SEC. 5. The managers of election in the several election precincts in said county shall count the ballots cast at said election and shall publicly declare the result and certify the same to the Democratic executive committee on or before eleven o'clock on the second day after said election, and the said Democratic executive committee shall meet at eleven o'clock on the second day after said election at the court-house in Warrenton, North Carolina, and canvass the vote and declare the result. The person receiving the majority of the votes cast for the office, for which he is a candidate, shall be declared by said committee the nominee of the Democratic party.
- Canvass of vote.
- Majority vote to nominate.
- Second primary if no majority. SEC. 6. Where no candidate receives a majority of the votes cast for any office, those two candidates which receive the highest number of votes cast for said office shall be voted for again on the Tuesday following said election, and the one receiving the majority of the votes then cast shall be the nominee of the Democratic party. This election shall be conducted by the said election officers in like manner as the first election.
- Precinct executive committee.
- Delegates. SEC. 7. At said primary election an executive committee of five shall be chosen for the Democratic party to be known as the precinct executive committee. There shall be elected at said primary election as many delegates as the precinct is entitled to votes in the county convention, which said delegates shall cast the vote as instructed in the county convention. The executive committee of the Democratic party shall make such rules and regulations as they may deem necessary to govern the election and balloting for said precinct committeemen and delegates.
- Rules and regulations.
- Announcement of candidacy. SEC. 8. Every person who wishes to become a Democratic candidate before said primary shall, at or before ten o'clock a. m. on the tenth day preceding the same, file with the chairman of the Democratic executive committee a written announcement, naming the office to which he is a candidate and shall pay to the said chairman the sum of ten dollars, which said money shall be immediately paid by said chairman to the treasurer of Warren County, to be credited by said treasurer to the general fund of said county: *Provided, however,* that candidates for county commissioners, township officers and precinct committeemen and delegates to the county convention shall not be required to pay said sum of ten dollars.
- Entrance fees to county fund.
- Proviso: candidates not required to contribute.
- Publication of lists of candidates. SEC. 9. The chairman of the Democratic executive committee shall publish a list of all candidates announced in some newspaper pub-

lished in Warren County, which shall appear in each issue of same until after said election.

SEC. 10. The Democratic executive committee which shall participate in said primary election shall meet in the town of Warrenton, North Carolina, not later than six days before said election, and shall designate and prescribe a ballot or ballots to be used in said primary election, and shall further direct how the same shall be cast. Ballots.

SEC. 11. Any person who shall unlawfully vote at said primary election or any person or candidate who shall give or offer any bribe to any voter in order to secure his vote, either by money or the use of intoxicating liquor, shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Unlawful voting or bribery a misdemeanor.  
Punishment.

SEC. 12. Said primary election shall be conducted as far as practicable in accordance with the general election law, and all the provisions of chapter ninety of The Revisal of one thousand nine hundred and five and amendments thereof, not inconsistent with this act, shall apply as fully to such primary election as to the general election; and it shall be a misdemeanor for any election officer to fail to call or fraudulently call the ballots cast in this primary; or to call the same for any candidate other than the one voted for. Application of general law.  
Miscall of ballots a misdemeanor.

SEC. 13. Each candidate who shall be voted for at said primary election shall file with the clerk of the superior court, on the day after said election, an itemized, verified account of all the money or other things of value spent or used by him in said primary election, and if he fail to do so he shall be disqualified for the nomination to which he aspires. Candidates to file itemized statements.  
Disqualification for failure.

SEC. 14. The Democratic executive committee shall make and prescribe all rules and regulations not inconsistent with this and the general election laws of the State of North Carolina, which it may deem advisable for the better carrying into effect the object and terms of this act. Rules and regulations.

SEC. 15. The managers and challenger herein provided for shall receive the sum of two dollars per day for services while holding said primary election, which, together with all other expenses incurred in holding said primary election, shall be paid from the general fund of the said county of Warren, in like manner as all other election expenses provided for in the general election law of North Carolina. Pay of managers and challenger.  
Payment by county.

SEC. 16. This act shall apply only to the county of Warren. All laws and clauses of laws in conflict with this act are hereby repealed. Application of act.

SEC. 17. This act shall be in force from and after its ratification. Ratified this the 1st day of March, 1911.

## CHAPTER 343.

AN ACT TO ESTABLISH A SPECIAL COURT IN THE TOWN OF PLYMOUTH, AND THE COUNTY OF WASHINGTON, AND TO PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

- Special court established. SECTION 1. A special court for the trial of petty misdemeanors committed in the town of Plymouth and in the county of Washington, and to be designated as the "Recorder's Court of Plymouth," is hereby created and established.
- Designation. COURT OF RECORD. SEC. 2. Said court to be a court of record and shall be presided over by a recorder, who shall be a qualified voter of Washington County and a man of good moral character and a licensed attorney at law.
- Court of record. RECORDER. SEC. 3. That the recorder herein provided for in this act shall hold office until the next general election, when his successor shall be elected by the qualified voters of Washington County in the same manner and at the same time the county and township officers are elected, for a term of two years.
- Term of office. Election and term of successor. SEC. 4. The county commissioners of the county of Washington shall on the first Monday in April elect a recorder who shall, before entering upon the duties of his office, take and subscribe an oath before the clerk of the superior court as is provided for superior court judges.
- Election of first recorder. OATH OF OFFICE. SEC. 5. The court shall hold daily sessions, Sundays excepted, at the court-house or in the town hall of the town of Plymouth, at the option of the recorder. The first session of said court shall be held on the second Monday morning in April, one thousand nine hundred and eleven.
- Oath of office. SEC. 6. Said court shall have a seal with the impression, "Recorder's Court of Plymouth," which seal shall be used in attestation of writs, warrants or other proceedings, acts or judgments of said court, whenever required, and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.
- Sessions of court. SEC. 7. The clerk of the superior court of Washington County shall be the clerk of the recorder's court of Plymouth and shall give bond of one thousand dollars for the faithful accounting of all moneys which may come into his hands as clerk of the recorder's court of Plymouth.
- First session. SEC. 8. The jurisdiction of said court to be as follows:
- Seal of court. (a) Said court shall have final, exclusive original jurisdiction of all criminal offenses committed in the town of Plymouth which are within the jurisdiction of justices of the peace.
- Clerk of court. (b) Said court shall have final, exclusive original jurisdiction of all violations of town ordinances committed within the town of Plymouth.
- Bond. JURISDICTION.
- Offenses within town of Plymouth. VIOLATIONS OF TOWN ORDINANCES.

(c) Said court shall have final, concurrent original jurisdiction of all criminal offenses committed within the county of Washington and without the town of Plymouth which are now or may hereafter be within the jurisdiction of the justice of the peace. Criminal offenses  
in county.

(d) Said court, in addition to the jurisdiction conferred in sub-sections a, b and c of this section, shall have final, exclusive original jurisdiction of the following criminal offenses, to wit: Carrying concealed weapons, gaming, gambling, keeping gambling houses, disorderly houses, larceny of and receiving stolen goods, knowing them to be stolen, where the property stolen does not exceed twenty dollars in value, or failure to list taxes, assault and battery with a deadly weapon, or when serious damage is done, fornication and adultery, abandonment, failure to provide adequate support, cruelty to animals, malicious injury to real or personal property, trespassing on lands after having been forbidden, forcible trespass, enticing servants to leave masters, indecent exposure of person, retailing spirituous liquors without license, selling or giving away spirituous liquors to a minor, obtaining advances by false pretense, disposing of mortgaged property, all crimes against public health as contained in The Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and forty-eight, inclusive, which are above the jurisdiction of justices of the peace, all misdemeanors as contained in chapter eighty-one of The Revisal of one thousand nine hundred and five, or any act amendatory thereof, where the punishment does not exceed a fine of two hundred dollars or imprisonment of one year and which are above the jurisdiction of justices of the peace, and all crimes which at common law are misdemeanors wherein the punishment is within the discretion of the court, and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment thereof shall be as now prescribed by law. Additional  
jurisdiction.

(e) In any other criminal matters wherein said court has not final jurisdiction it shall have power and is hereby fully authorized to hear and to bind over to the proper court all persons charged with any crime committed within the city limits of the town of Plymouth or Washington County, whereof the preliminary investigation is now conferred on the justice of the peace or the mayor of the town of Plymouth, and to render such judgment in such matters as is now provided by law: *Provided*, that in any case where prosecution has been commenced prior to the ratification of this act the court in which said prosecution has been instituted shall have jurisdiction thereof and any and all such cases heard by the recorder of the court established by this act as committing magistrates against any person or persons for any offense whereof said court herein established has not jurisdiction, in which case probable cause of guilt is found, such person or persons so charged shall be bound in bond or recognizance with sufficient surety if the crime be bail- Jurisdiction as  
court of  
committal. Proviso:  
prosecutions  
heretofore  
instituted. Recognizance.

able under the law, to appear at the next term of the superior court of Washington County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Washington County to await trial as aforesaid; if the crime be notailable then to commit the defendant so charged to the common jail of Washington County to await the action of the superior court thereof.

Sentence of court.

(f) Said recorder shall have all the powers and jurisdiction and authority now conferred by law upon justices of the peace or the superior court of Washington County to sentence any person convicted in said court for which the punishment prescribed by law is imprisonment, to be worked on the public roads of Washington County, or some other county as now provided by law, and the clerk of said court shall issue commitments thereof in the same manner as now provided by law for clerks of the superior court.

Issue of warrants.

(g) Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any criminal offenses of which said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the superior court of Washington County and upon such appeal the trial shall be *de novo*.

Right of appeal.

Offenses heretofore committed.

(h) The said recorder's court shall have jurisdiction of any and all criminal offenses committed before the ratification of this act and of which no court has taken jurisdiction.

Search and peace warrants.

(i) The said court shall have jurisdiction to issue search warrants and peace warrants in all cases now provided by law. Jury trials shall be had when demanded in the same manner as is now provided before justices of the peace.

Jury trials.

Costs.

SEC. 9. The cost of serving warrants, subpoenas and other processes issued by said recorder's court shall be the same as now fixed by law, and to be paid to the officer performing such services. The fees for issuing the warrants, subpoenas for witnesses, and for making up bills of cost and for any other process or writ issued by said court or services performed by said clerk, for which a fee is now prescribed by law, shall be the same as now fixed by law for clerks of the superior court in similar cases, except for trial and judgment when the fee shall be two dollars; and every defendant convicted, adjudged guilty or who pleads guilty in said court shall be taxed with the costs of the prosecution as now prescribed by law; all such costs recovered and collected in said court, except costs due to the recorder, clerk, sheriff, constable, police officers or special deputized officers, shall be paid on Monday of each week by the clerk of said court to the treasurer of Washington County, who shall keep a separate account thereof and who shall report to the board of aldermen of the town of Plymouth and the board of Washington County commissioners at their first meeting in each month the amount paid him by such clerk.

Fees.

Fee for trial and judgment.

Convicts taxed with costs.

Costs paid to treasurer.

Accounts and reports.

SEC. 10. The warrants, subpoenas and other processes issued by said recorder's court shall be directed to the sheriff or other lawful officer of Washington County, and the service thereof shall be lawfully made when made by the sheriff of said county or any constable of said county or any police officer of the town of Plymouth or other town or city, or in the absence of such officer, by any proper person specially deputized by the recorder in writing to make such service, and said warrants, subpoenas and other processes of said court, when attested by the seal of said court, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

Process.  
Service of process.  
Process to run.

SEC. 11. Whenever any person is convicted of any offense of which said court has jurisdiction and the punishment imposed is a fine or imprisonment and costs, the recorder shall sentence the defendant to be worked upon the public roads until such sentence has been complied with, and the clerk of the said court shall issue commitment of the defendant in accordance with the judgment of said court: *Provided*, such sentence may be made to work on the streets or other works of the town of Plymouth, as now provided in the charter of the town.

Sentence to road work.  
Proviso: street work.

SEC. 12. The recorder shall preside over said court, try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to the ensuing term of the superior court of said county for the trial of criminal cases, and in all such cases of appeal the bond of the defendant shall be fixed by the recorder, and upon the failure of the defendant to give such bond as is required then he shall be committed to the common jail of the county until released according to law.

Recorder to preside.  
Right of appeal.  
Bond on appeal.

SEC. 13. The clerk of the recorder's court shall provide a permanent docket for recording all the processes issued by said court which shall conform to the docket kept by the clerk of the superior court. He shall also provide proper files to properly keep records of all cases which shall be disposed of in the said court and what disposition has been made of them.

Dockets.  
Files.

SEC. 14. All cases which have heretofore been hearable by the mayor of the town of Plymouth shall, after this act goes into effect, be tried by the recorder appointed in this act, but no cases which are pending in the superior court of Washington County at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court, and all cases pending before the justices of the peace of Washington County shall be tried and disposed of before said justices of the peace in accordance with the law as it existed at the time of the ratification of this act.

Pending cases.

SEC. 15. The recorder of said court shall not, by virtue of his office as recorder, be prevented from practicing law in matters in which he is in no way connected by reason of his said office, or in

Recorder may practice law.

other courts in the State in matters which have not been heard or will not be heard by him as recorder.

Power to remove recorder.

SEC. 16. The recorder may be removed from office by the town councilmen and the board of county commissioners of Washington County in joint session at the hearing and notice given the said recorder whose removal is being investigated upon proof of immorality and continued neglect of duties of his office; and if the said recorder is removed, or in case of vancancy in said office, his successor shall be elected at a joint session of the town councilmen and the board of county commissioners for the unexpired term.

Election of successor.

Jurisdiction of justices of the peace.

SEC. 17. All justices of the peace of Washington County shall have the same jurisdiction as heretofore to issue warrants in criminal cases, but in cases where they have not exclusive original jurisdiction the same shall be returnable to and triable by the recorder's court, and no other. Justices of the peace in the several townships of Washington County may, by order therein or endorsed thereon, make the warrant in any case returnable to this court, and in all such cases the recorder's court shall have the jurisdiction as hereinafore provided.

Fees of witnesses.

(a) All witnesses compelled to attend by the subpœna of this court shall be entitled to the same fees as now provided in the superior court, to be paid as provided in cases in that court.

Copy of act to be forwarded.

SEC. 18. The Secretary of State shall send a certified copy of this bill, as soon as it is ratified, to the chairman of the county commissioners.

SEC. 19. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 20. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

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## CHAPTER 344.

### AN ACT TO FIX SALARIES FOR THE OFFICERS OF NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Officers to collect and pay over fees.

SECTION 1. That the sheriff, clerk of the superior court, register of deeds and treasurer of Nash County, and their respective deputies shall collect and receive and account for all the fees to which they are entitled by virtue of their respective offices, and pay the same on the first of every calendar month into the treasury of Nash County; and they shall be responsible for and chargeable with all moneys of every kind which are to be, or by law should be, paid into their respective offices, and shall be held to strict account therefor; and the moneys so paid in shall be kept by the treasurer of said county in a separate fund to be known as "The Salary Fund."

Responsibility of officers.

Salary fund.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or which may hereafter by any law belong or appertain to their respective offices; and they shall receive as compensation for their services only such salaries, commissions and compensations as is hereinafter provided; and for any abstraction, concealment or misapplication of any of the moneys payable into their respective offices or which any of them have collected, any one of them so abstracting, concealing or misapplying the same shall be guilty of a felony, and upon conviction shall forfeit their said office or offices and be punished as is now provided by law in cases of embezzlement by public officers.

Officers to collect fees.

Abstraction, concealment or misapplication of money.

Punishment.

SEC. 3. That each and all of said officers shall open and keep a separate set of account books, consisting of a daily journal and a ledger, in which shall be promptly, correctly, truly and accurately entered itemized accounts of all moneys collected or receivable by said officers or which by law are or may be payable into their respective offices, and all of said books shall at all times be open to the inspection of the public upon demand, and said books shall be safely and securely kept, so as to prevent loss or destruction by theft, fire or any accident.

Account books.

Books open to inspection.

SEC. 4. That on the first Monday of each and every calendar month a true and accurate transcript shall be transmitted by each of the officers of Nash County to the board of commissioners of said county, said transcript to contain and show in detail all of the entries made upon said books during the preceding calendar month, which shall be sworn to and duly verified by the officer whose duty it is to make said entries and keep the book of accounts pertaining to his respective office.

Sworn monthly statements.

SEC. 5. The said books shall be open and kept in a manner to be prescribed and authorized by the board of commissioners of Nash County, who shall have constant supervision of the same.

Supervision of books.

SEC. 6. That the sheriff of Nash County shall receive a salary of four thousand dollars as full compensation for his services and the services of such assistants, deputies and clerks as he may appoint, and jailer, which said salary shall be paid by the county; all of whom shall truly, faithfully and diligently perform the duties of said offices as required by law. The said sheriff may appoint such deputies for any of the townships in said county as may be necessary for the public good. Said sheriff and said deputies shall account for and pay over to the treasurer of said county all fees, commissions, profits and emoluments which may come into their hands by virtue of their offices, as required by section one of this act. Said sheriff shall also pay over to the said treasurer all fees, mileage and other allowances paid to him by the State of North Carolina or by State institutions for taking prisoners to the State's Prison or insane persons to the State Hospital, deducting from the amounts paid to him the actual necessary expenses thereof.

Salary of sheriff.

Township deputies.

Sheriff and deputies to account for fees.

Sheriff to account for allowances.

Salary of clerk of superior court.

SEC. 7. That the clerk of the superior court of Nash County shall receive a salary of three thousand dollars per annum as full compensation for his services and the services of assistants, deputies and clerks, and he shall be allowed nothing in addition thereto for performing the duties of his office.

Salary of register of deeds.

SEC. 8. That the register of deeds of Nash County shall receive a salary of two thousand eight hundred dollars per annum as full compensation for his services and the services of assistants, deputies and clerks, and he shall be allowed nothing in addition thereto for performing the duties of his office.

Salary of treasurer.

SEC. 9. That the treasurer of Nash County shall receive a salary of one thousand two hundred dollars per annum for performing his duties as treasurer of Nash County school fund, and such other duties as may be required of him by law, in lieu of all other compensations whatsoever.

Salary of chairman of commissioners.

SEC. 10. That the chairman of the board of commissioners of the county of Nash shall receive a salary of three hundred dollars per annum, and each of the other members of the said board shall receive the sum of one hundred dollars per annum, in lieu of all other compensation whatever.

Salary of Commissioners.

Employment and pay of auditor.

SEC. 11. That the board of commissioners of said county of Nash may at such time or for such term as they may designate and for such compensation as may be fixed by them, appoint some suitable person to audit and approve monthly or otherwise, the report of said fees, commissions, profits and emoluments, and it shall be his duty to act as accountant for the county in settling with the county officers as aforesaid; to supervise, scrutinize and examine as often as said board of county commissioners may direct, all books, accounts, receipts and vouchers and other records of all officers of Nash County which show fees and commissions collected and received by them; to examine whenever directed the dockets of all justices of the peace of said county and recorders, to administer oaths on verification of claims which may be filed against the county, to open a set of account books, in which shall be shown the total monthly receipts of fees and commissions of all the officers of said county, in an expert and intelligent manner, and generally to do and perform all such acts and things pertaining to the matters aforesaid, as he may be directed by the board of commissioners of said county of Nash to do.

Duty of auditor.

Salaries paid monthly.

SEC. 12. That all the salaries herein provided for shall be paid by the treasurer of said county to the persons entitled to receive the same, in monthly installments, upon warrants drawn by the board of commissioners of said county and countersigned by the chairman and the secretary or clerk of said board of commissioners.

Officers to discharge duties.

SEC. 13. That the officers hereinbefore mentioned shall faithfully and truly perform all of the duties of their several offices which are now or may hereafter be imposed upon them by law, and shall re-

ceive no other compensation or allowance of any kind whatsoever for any extra or additional service rendered to the county or State or other governmental agencies, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

Further allowance forbidden.

SEC. 14. That all moneys coming into the hands of the treasurer of Nash County by virtue of this act shall be held by him as a separate and distinct fund for the benefit of the county of Nash, to be used by the said board of commissioners of said county as other county funds. The said treasurer shall open a separate account with each of the several officers of said county, showing the amounts received from each and the amount paid as salaries to each, which said accounts shall be at all times open to the public for their inspection.

Moneys kept separate.

Separate accounts.

SEC. 15. Any officer, clerk or assistant herein mentioned who shall willfully fail or refuse to collect any fee, commission or emoluments of any kind belonging to his office shall be guilty of a misdemeanor.

Failure to collect fee a misdemeanor.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 17. That this act shall be in full force and effect from and after the expiration of the term of office of the sheriff, clerk of the superior court, treasurer and register of deeds, elected for said county of Nash at the election held in November, one thousand nine hundred and ten.

When act effective.

Ratified this the 1st day of March, 1911.

#### CHAPTER 345.

### AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS IN ELLENDALE TOWNSHIP, ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing, repairing, improving and maintaining the public roads of Ellendale Township, the board of supervisors of said township as now constituted and their successors in office shall have the entire supervision, jurisdiction and control of all the public roads in said township, and shall succeed to and exercise all the powers and duties heretofore imposed upon and exercised by the board of county commissioners and justices of the peace in so far as relates to said township in reference to the establishment, alteration of and discontinuance of all public and private roads, cartways and other thoroughfares in said township.

Jurisdiction and control of supervisors.

Record of proceedings.      SEC. 2. That said board of supervisors shall in a book suitable for the purpose keep a full and complete record of all their proceedings and transactions, which record shall, at all reasonable times, be open to the inspection of citizens of Ellendale Township.

Record open for inspection.

Estimates.

SEC. 3. That on or before the regular meeting of the board of county commissioners of Alexander County on the first Monday in June, one thousand nine hundred and eleven, and annually thereafter the said board of supervisors of Ellendale Township shall make an estimate of the money reasonably necessary to purchase suitable tools, machinery, teams, labor and supplies for the proper working, improving, maintaining and establishing the public roads and small bridges in said township, and to pay all expenses pertaining to their duties for one year, and shall fix and determine the rate of taxation on the property and polls of said township for the purpose of raising said amount, which rate shall not be less than ten cents on the one hundred dollars valuation of real and personal property, nor more than twenty-five cents on the one hundred dollars thereof, and not less than thirty cents nor more than seventy-five cents on the poll in any year. And the said board of supervisors shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of Alexander County on or before their June meeting in each and every year. And it shall be the duty of said board of county commissioners at their regular meeting in June, one thousand nine hundred and eleven, and annually thereafter, to levy a special tax as determined by said board of supervisors for such purposes, observing at all times the constitutional equation on the taxable property and polls of Ellendale Township.

Tax rate.

Limit of rate.

Report of tax rate.

County commissioners to levy tax.

Constitutional equation.

Collection of tax.

Special road fund.

Said taxes to be collected as all other taxes are collected; to be kept separate on the tax books; to appear separate on the tax receipts; to be set aside as a special road fund to the credit of Ellendale Township, and to be used in the construction, improvement and keeping in repair the roads, small bridges for the purpose of equipment, material, implements and labor that may be found necessary to carry out the purposes of this act, and to defray the supervising and incidental expenses of the same.

Treasurer of road fund.

SEC. 4. That the county treasurer of Alexander County be and he is hereby appointed treasurer of the road fund of Ellendale Township and for the proper and faithful keeping and disbursement of said money, the bond of said treasurer shall be liable, and said county treasurer shall pay out of said fund all orders and warrants duly authenticated by aforesaid board of supervisors.

Orders and warrants.

Special township road fund.

SEC. 5. That the taxes and other revenue raised by virtue of this act shall constitute a special road fund for Ellendale Township, to be used for the construction and improvement of the roads and small bridges in said township, and for the purchase and maintenance of tools, machinery, teams and other supplies and equipments for the better prosecution of the work in said township, and

shall be expended according to the judgment and discretion of the board of supervisors, and said board as often as they deem necessary shall issue orders and warrants upon the county treasurer, directing him to pay to the party therein named the amount therein specified, for the purpose of carrying out the provisions of this act.

SEC. 6. That upon a petition made in writing and signed by five or more landowners of Ellendale Township, requesting the construction of a new road in any part of said township, or change in location of some part or parts of roads already existing for the purpose or improving the same, which writing shall fully describe the terminal points in each and every case. The board of supervisors shall view the proposed new routes, and if in their judgment the changes asked for are necessary they shall proceed to lay out and mark with visible marks the line of the road as near as practicable upon a uniform grade between the terminal described in the petition and may slightly vary said terminal points if a better grade may thereby be secured, and unless outlet can not otherwise be had they shall not mark any part of new roads above a six per cent grade.

Petition for construction or change of road.

Procedure for laying out road.

SEC. 7. The board of supervisors and landowners whose lands are crossed by proposed routes may agree as to compensation to be given for damages or for right-of-way, but if they fail to agree they may arbitrate the matter, the board choosing one referee, the contesting landowner one, and the two thus chosen to choose a third for umpire. The board of arbitration thus chosen, after being duly sworn by some person legally authorized to administer oaths, shall proceed to view the premises in controversy and fairly and impartially adjust the matter of compensation aforesaid and render their award which, when paid, shall be a final conclusion of the same. If the award renders compensation to the landowner the board shall issue a warrant upon the county treasurer for the amount to be paid out of the road fund. They shall also issue a warrant to the arbitrators for one-half of the expenses of the arbitration, the other half to be paid by the contesting party.

Compensation for damages.

Arbitration.

Procedure.

Warrant for damages.

Expense of arbitration.

SEC. 8. If the contesting landowner fails or refuses to adjust the compensation as specified in the preceding section the board of supervisors shall report the whole proceeding to the clerk of the superior court of Alexander County, who shall immediately issue summons to the contesting landowners to appear at the next ensuing term of the superior court in and for said county, and show cause, if any they have, why the action of the board of supervisors in laying out said road shall not be confirmed and the road be constructed as laid out. The clerk shall also place the case on the court docket for the trial of civil issues to be heard at term time by the judge presiding, who shall hear the whole matter and make such orders and judgments as he may find just and proper for the correct adjustment of the same.

Proceedings if landowner refuses arbitration.

SEC. 9. When the right-of-way shall have been obtained by either

Procedure for opening roads.

Proviso:  
sufficiency of  
funds.

or all of the methods specified in the preceding sections, they shall proceed to open the roadway and construct the road or roads immediately: *Provided*, they have enough funds of the current levy not otherwise needed to pay the expenses of the work. If they find that they have not present available funds sufficient for the same, they shall place the estimate for the same in the next report for levy and postpone the work until the next funds are available.

Powers and  
jurisdiction of  
supervisors.

SEC. 10. That the board of supervisors created by this act shall have all the powers and jurisdiction given to the board of commissioners and justices of the peace in chapter sixty-five of The Revisal of one thousand nine hundred and five, and the amendments thereto, and may exercise the same when not inconsistent with this act, and they shall have the same compensation and per diem for services rendered that the county commissioners now have.

Compensation and  
per diem.

Entrance on lands  
for material.

SEC. 11. That for the purpose of laying out roads, repairing, constructing and improving the public roads, the board of supervisors and their employees shall have authority to enter upon lands not encumbered with growing crops and obtain and carry away material which may be necessary in road construction, to make drains and ditches where the same may be necessary for the benefit of the road, doing as little injury to the lands as possible, and any person willfully obstructing or resisting the performance of these duties shall be guilty of a misdemeanor. And any supervisor or employee maliciously or needlessly damaging any lands or property in the performance of these duties shall be guilty of a misdemeanor.

Drains and  
ditches.

Obstruction of  
officers a  
misdemeanor.

Damaging lands a  
misdemeanor.

Work under  
existing laws.

SEC. 12. That the roads of said township shall be worked until the first day of January, one thousand nine hundred and twelve, under the laws now existing for the working of roads.

Violation of act a  
misdemeanor.

SEC. 13. That any person willfully violating the provisions and requirements of this act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

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## CHAPTER 346.

### AN ACT TO CREATE AND ESTABLISH AN AUDITOR'S OFFICE FOR THE COUNTY OF ROBESON.

*The General Assembly of North Carolina do enact:*

Office  
established.

SECTION 1. That in order to perform the duties heretofore performed by the board of audit and finance of Robeson County, and certain other duties as fixed by this act, there is hereby created

and established the office of "auditor of Robeson County." The said auditor shall be a citizen of Robeson County and an expert accountant, and he shall be appointed by the General Assembly of North Carolina at its present session and biennially thereafter; and the term of office of said auditor shall be for two years and until his successor is elected and qualified as provided in this act.

Official title.  
Qualification and appointment.  
Term.

SEC. 2. The said auditor shall give his entire time and attention to the discharge of the duties imposed upon him by this act and by law, and he shall not, during his term of office, engage in any other business or occupation; and his office shall be kept open daily as the offices of other public officers of said county. The board of commissioners of Robeson County shall furnish to said auditor a suitable room in the county court-house, together with necessary furniture, fixtures and supplies, stationery, postage, etc., the same to be paid for out of the general county fund.

To give entire time to business.  
Other business forbidden.  
Office open daily.  
Office furniture and supplies.

SEC. 3. If, for any cause, there shall be a vacancy in said office, the resident judge of the superior court of the seventh judicial district of North Carolina shall appoint some fit and suitable citizen of Robeson County, who shall be an expert accountant, to fill such vacancy; and the person so chosen shall serve out the unexpired term and shall also serve until his successor shall be elected and qualified as herein provided.

Appointment to fill vacancy.

SEC. 4. The resident judge of the superior court of the seventh judicial district of North Carolina shall at all times have power to suspend, or remove said auditor from office, for incompetence, misfeasance or malfeasance in office or other sufficient reason. Any and all charges of incompetence, misfeasance or malfeasance in office, or other sufficient charge to cause the suspension or removal of said auditor, shall be first made in writing and signed by the person preferring such charges and shall be forwarded to the said resident judge of the said seventh judicial district of North Carolina, and upon receipt of such charges it shall be the duty of said judge to cause a copy thereof to be served upon the said auditor, and to notify said auditor and the person preferring such charges of the time and place where he will sit for the purpose of hearing such charges, which said time shall not be more than twenty days after the service of notice upon the auditor of the filing of such charges. The hearing may be held at any place in the discretion of the said judge, whether in or out of the said seventh judicial district, and the judge shall have power to send for persons and papers, to administer oaths, and to do any and all things necessary for the discharge of his duties under this act. At the time and place appointed for the hearing, the person preferring such charges and the said auditor shall have the right to be present in person and by counsel, and thereupon it shall be the duty of the judge to hear the evidence offered upon both sides and after hearing such evidence, the said judge shall, within ten days thereafter, render his decision and judgment

Removal for cause.  
Charges preferred in writing.  
Copy served on auditor.  
Notice and time of hearing.  
Place of hearing.  
Proceedings at hearing.

thereon, which said judgment shall find the facts and shall be signed by said judge and shall be transmitted to and filed with the clerk of the superior court of Robeson County and spread upon the minutes of the said superior court; and the decision and judgment of said judge shall be final and no appeal shall lie therefrom. Upon the hearing, the judge shall render such judgment as he in his discretion may consider that the public interests require, and he shall have power in his sound discretion to either suspend or remove said auditor; and in case of such suspension or removal, to appoint the successor to the person so suspended or removed, and the person so appointed shall serve for the term of such suspension, or in case of removal, for the unexpired term and until his successor shall be elected and qualified; and the order of the court as to such suspension, removal and the appointment of the successor to such auditor, shall be filed with the clerk of the superior court of Robeson County and spread upon the minutes of said court: *Provided, however,* that the said judge of the seventh judicial district shall have power, upon his own motion, and without charges being formally preferred against such auditor, if he deem the public interest require it, and after a hearing as herein provided, proceed to suspend or remove such auditor and appoint his successor as herein provided.

Decision final.  
Judgment  
discretionary.

Proviso: power of  
removal without  
charges.

Auditor to give  
bond.

Amount.

Approval and filing  
of bond.

Auditor to be  
sworn.

Oath of office.

Interest in other  
offices or contracts  
a misdemeanor.

Forfeit of office.

SEC. 5. Before entering upon the discharge of his duties the said auditor shall execute a good and sufficient bond, payable to the State of North Carolina, in the penal sum of five thousand dollars, conditioned upon the faithful performance and discharge of his duties as required by law. Said bond shall be subject to approval by the board of commissioners of Robeson County and when approved shall be filed with the register of deeds of said county as other official bonds.

SEC. 6. Before entering upon the discharge of his duties the said auditor, in addition to the oath to support the constitution and laws of the United States and of the State of North Carolina, shall take before the clerk of the superior court of Robeson County the following oath of office, which said oath shall be signed by such auditor, attested by said clerk, and recorded in the book of official oaths, to wit: "I....., do solemnly swear (or affirm) that I will honestly, diligently and faithfully perform the duties of the office of auditor of Robeson County to the best of my knowledge, skill and ability, without fear, favor, reward or the hope of reward, so help me God."

SEC. 7. It shall be unlawful for said auditor to be jointly, singly, or in any other way, either directly or indirectly, interested in any other public office of said county, or to be the agent or employee of any public officer of said county, or to be interested in any contract or undertaking wherein the said county or any department of the government thereof is interested; and if the said auditor shall violate the provisions of this section he shall be guilty of a misde-

meanor and upon conviction shall forfeit his office and be fined or imprisoned, in the discretion of the court; and shall also forfeit and pay the sum and penalty of two hundred dollars to be recovered by any person suing for the same in any court of competent jurisdiction.

Fine or imprisonment.  
Penalty.

SEC. 8. The auditor of Robeson County shall receive, for his salary and clerk hire and other clerical assistance, the sum of two thousand six hundred dollars per annum, and out of said allowance it shall be his duty to employ and pay the compensation of all such clerical assistance as may be necessary to enable him to carry out the provisions of this act and also such clerical assistance as may be necessary in making out the tax lists and performing the other services relative to the taxes as are required of him hereunder; and it shall at all times be the duty of said auditor to provide and pay, out of the allowance herein made to him, sufficient clerical assistance for the prompt and efficient discharge of his duties as auditor and all duties imposed upon him by law and under this act. The salary and allowance herein made shall be paid by the treasurer of Robeson County to said auditor in equal monthly installments, upon warrants drawn by the board of commissioners of said county and countersigned by the clerk to said board, and said warrants, when paid, shall be charged to the general fund of Robeson County and shall be paid out of such general county fund.

Salary.  
Clerical assistance.  
Salary paid monthly.  
Warrants.

SEC. 9. It shall be the duty of said auditor to inquire into and investigate and file a detailed and itemized account of the condition of all county finances, the accounts of all public officers, including the board of education and the road commission, or their successors, and to make a true report thereof and record the same in a book to be kept for that purpose and to be known and designated as the "record of the auditor of Robeson County." He shall, within ten days after the first Monday in December, in each and every year, publish a statement of the financial condition of the county of Robeson, showing by itemized statement the permanent and floating debt of the county, when contracted, for what contracted, and when due; and shall also publish a statement of the receipts and disbursements of all the public funds of the county, showing the total amount received and disbursed for each particular purpose, which said report shall be published at the court-house door and also in some newspaper of general circulation published in the county, once a week for at least two weeks immediately following the filing of said report and the expense of such publication shall be paid by the board of commissioners of said county out of the general county fund.

Duties of auditor.  
Record.  
Publication of annual statements.  
Expense of publication.

SEC. 10. It shall be the duty of said auditor to act as accountant for the county of Robeson in making settlement with the sheriff and treasurer; to supervise, scrutinize and examine all books, accounts, receipts and vouchers and all other public records of the

Settlements with officers.

county, to the end that it may be seen whether the various public offices are being kept in the condition provided by law; and if it shall appear to said auditor that any provision of law is being violated, it shall be his duty to report such violation to the solicitor of the district and to the county attorney, whose duty it shall be to bring such civil or criminal action as may be necessary to secure the proper administration of such public offices.

Reports to  
solicitor and  
county attorney.

Final settlement.

Cancellation of  
vouchers.

Safe keeping of  
vouchers.

SEC. 11. It shall be the duty of said auditor to audit and approve for final settlement the accounts of all public offices and to cancel all vouchers included in such settlement by a proper cancellation stamp to be adopted by said auditor for that purpose. All vouchers so canceled shall be listed, sealed and deposited in a vault in the office of the register of deeds and in a metal case to be provided in such vault, the key whereof shall remain in the keeping of the auditor.

Further  
enumeration of  
duties.

SEC. 12. It shall be the duty of said auditor to perform all the duties imposed upon him by virtue of an act of the General Assembly of North Carolina, enacted at the present session, entitled "An act to place the officers of Robeson County upon a salary basis"; and he shall investigate the condition in office of all public officers of said county and report to the board of commissioners of said county and to the solicitor of the district any misappropriation of any public funds, violations of law, or malfeasance in office by any public officer. He shall also perform all the duties heretofore performed by the finance committee of said county under the general law.

Reports.

Duties of finance  
committee.

Public accounts.

SEC. 13. The said auditor shall have the right from time to time to prescribe the manner of keeping all the public accounts of the county, and the power to prescribe for each of the public officers of said county the form of books to be kept by them in the receipt and disbursement of all funds which may come into their hands by virtue of their office. It shall be the duty of the board of commissioners of said county to furnish to each of the various public officers of said county the necessary books prescribed for such office by said auditor.

Account books.

Notice to officers.

SEC. 14. If any clerk of the superior court, sheriff, county treasurer, register of deeds, or any other public officer, who may hold any county or public money, shall fail to account for the same as provided by law, the auditor shall give such person ten days notice in writing of the time and place at which he will attend to make settlement, and every officer receiving notice and failing to make settlement as required by this act, shall forfeit and pay the sum of two hundred dollars, to be sued for by said auditor for the use of the public school fund of said county, and shall also be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court: *Provided, however,* that the court may, in its discretion, and for good cause shown, release any such officer from said forfeiture.

Penalty on  
officers.

Misdemeanor—  
punishment.  
Proviso: release of  
forfeit.

- SEC. 15. The said auditor shall have power and authority to send for persons and papers and to administer oaths; and any person failing to obey any summons or to produce promptly any papers or books relating to or supposed to relate to any matters appertaining to the duties of said auditor or to the public affairs of Robeson County, or who shall refuse to appear and give evidence of all such matters and things as he shall know of and concerning any matters the investigation whereof is herein made the duty of said auditor, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and shall also be liable to forfeit and pay the sum and penalty of two hundred dollars, to be recovered in any court of competent jurisdiction in the name of said auditor for the benefit of the public school fund of said county.
- SEC. 16. The said auditor shall have power, if necessary, to employ counsel to advise him upon matters of law, and it shall be the duty of the board of commissioners of said county to pay for the services of such counsel out of the general funds of said county upon the request of the auditor: *Provided, however,* that the amount of attorney's fees in any one year shall not exceed the sum of one hundred dollars, unless the employment of such attorney shall have first been submitted to the board of commissioners of said county and his employment authorized by said board.
- SEC. 17. All claims or accounts against the county of Robeson, which are chargeable against the public funds of said county, shall, before being paid by the board of commissioners of said county or the treasurer thereof, be verified by the oath of the claimant before the auditor of said county, who is hereby authorized and empowered to administer oaths for that purpose, and shall be first filed with said auditor, and it shall be the duty of said auditor to investigate the said claim or account and to ascertain whether the same be correct and if found correct to endorse the same as examined by him and found correct. If said auditor shall find any such claim so filed with him to be improper or incorrect, he shall attach thereto a statement in writing, giving the result of his investigation and his reasons why such claim or any part thereof should not be paid; and before paying any such claim which has been disapproved by the auditor, it shall be the duty of the board of commissioners of said county to carefully examine into the matter and inquire whether the reasons of the auditor are sufficient to justify the rejection of said claim. And it shall be unlawful for any claim or account against the county of Robeson, or the public moneys thereof, to be paid by the board of commissioners of said county, until the same has been submitted to and approved or disapproved by the said auditor. *Provided, however,* that notwithstanding the disapproval of such auditor the board of commissioners shall have power to pay any claim disapproved by him if said board be satisfied, after a careful investigation thereof, that said claim is just and proper and should be paid.

Powers of auditor.  
Acts constituting misdemeanor.

Punishment.  
Forfeit.

Power to employ counsel.

Proviso: limit of fees.

Accounts to be verified.

Auditor to investigate and endorse.

Claims disallowed.

County commissioners to examine claims.

All claims submitted to auditor.

Proviso: payment of disapproved claims.

Purchasing agent. SEC. 18. The said auditor shall act as purchasing agent for the county of Robeson and for the various departments of the county government; and upon requisition made by him and duly approved by the proper and legal authority of said county, he shall purchase all such supplies and other things as may be required for the proper and orderly conduct of the county government or any subdivision or department thereof; and upon such purchase all bills or accounts therefor shall be submitted to the auditor and he shall endorse the same with his approval or disapproval and if he disapprove any such claim he shall attach thereto a statement of his reasons thereof and no claim for any supplies or other things purchased for the public use shall be paid until the same has been submitted to and passed upon by the said auditor: *Provided, however,* that notwithstanding the disapproval of the auditor, the board of commissioners of said county may, in its discretion, pay any such claim if they be satisfied that the claim is a just and proper claim and should be paid.

Bills submitted to auditor.

Proviso: payment of disapproved claims.

To attend meetings of county commissioners.

SEC. 19. It shall be the duty of said auditor to meet with the board of commissioners of Robeson County on their meetings held on the first Monday in each month, and at such other times as the board of commissioners may require, for the purpose of giving said board of commissioners any information which they may require and assisting them in the discharge of their duties under the law; and for the purpose of giving them information to the merits of claims against the county; supplies purchased or to be purchased for the use of the county information relative to claims for rebates of taxes, or any such other information as said board of commissioners may require; and said board of commissioners of said county, when in need of any information upon any subject, shall have the right to call upon the auditor of said county therefor, or to require him to make an investigation and report to said board upon any matter coming before the said board in the discharge of their official duties, and in general the said board of commissioners shall have power to require the auditor of said county to perform such other and further services, not specifically set forth in this act, as said board of commissioners may deem necessary for the public interest.

Commissioners to require information information.

Other and further services.

Supervision of tax listing.

Recommendations for tax listers.

SEC. 20. It shall be the duty of said auditor of Robeson County to supervise the listing of taxes and the assessment of same by the various list takers and assessors of the county; and the said auditor shall recommend to the board of commissioners of said county, at least twenty days before the time prescribed by law for the appointment of list takers and assessors, the names of suitable and competent persons in the various townships of the county to be appointed by said board of commissioners as list takers: *Provided, however,* that the board of commissioners may, in their discretion, disregard such recommendation and elect other persons instead.

Proviso: power of county commissioners.

SEC. 21. It shall be the duty of said auditor to examine the tax lists as made out by the various list takers and assessors after they are completed, and to see that the same are neatly, accurately and properly made out, and to approve or disapprove the same before the said list takers and assessors shall be paid for such work by the board of commissioners of said county.

Examination of tax lists.

SEC. 22. It shall be the duty of said auditor to diligently inquire into and investigate the listing of all property in said county and to cause all property subject to taxation to be properly listed and to that end it shall be the duty of said auditor to investigate and report to the board of commissioners of said county the names of all persons failing to list their property for taxation, together with a statement of the property so unlisted; and it shall also be the duty of the said auditor to investigate and report to the board of commissioners the names of all persons subject to poll tax who have failed to give in their poll and thereupon it shall be the duty of said board of commissioners to cause such property and polls to be placed upon the tax books as provided by the general laws of the State.

Investigation as to tax listing.

Investigation as to poll tax.

SEC. 23. It shall be the duty of said auditor to diligently inquire into and investigate the listing of all property in said county, subject to tax, to the end that all such property shall be listed at its true value and in accordance with law; and to that end it shall be the duty of said auditor to investigate and report to the board of commissioners of said county the names of all persons whose property is not listed at a fair valuation and as provided by law, together with a statement of the property not so listed at such valuation and thereupon it shall be the duty of said board of commissioners, after giving notice to the property owner, as required by law, to cause all such property to be fairly valued and placed upon the tax books as provided by the general law of the State. The said auditor shall have power, in the discharge of his duties under this section, to send for persons and papers and to administer oaths and any person failing to obey any summons or to produce promptly any papers or books relating to or supposed to relate to the value of any property under consideration by the auditor, or who shall refuse to appear and give evidence of all such matters and things as he shall know of and concerning any matters the investigation whereof is herein made the duty of the auditor, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and also shall pay a penalty of two hundred dollars to be recovered in any court of competent jurisdiction in the name of the auditor for the benefit of the public school fund of said county.

Investigation of valuations.

Powers of auditor.

Acts constituting misdemeanor.

Punishment.

Penalty.

SEC. 24. Beginning with the first Monday in April, one thousand nine hundred and eleven, and weekly thereafter, it shall be the duty of said auditor to examine the records of the office of the register

Lists of transfers of real property.

of deeds of Robeson County and to make a list of all deeds or other transfers of real property which have been filed for registration in such office during the week preceding such examination, and it shall be his duty to carefully make out a list of all such deeds or other transfers of real property, or any interest or estate in real property, taking the name of the grantor and grantee, or grantors and grantees, the township within which such property is located and the consideration expressed in the instrument transferring same; and upon taking such information it shall be his duty to make a memorandum on the duplicate tax lists in his office, opposite the name of the person transferring such property, and shall also make a like memorandum opposite the name of the person to whom such property is transferred both to show the name of the person to whom transferred, the date of the transfer and the consideration; and the said information shall be available to the tax listers and assessors the following year so as to assist them in the discharge of their duties and to avoid double listing.

Memorandum on tax lists.

Copies of tax lists.

Forms.

SEC. 25. It shall be the duty of said auditor to make out two copies of the tax list for each township as revised and settled by the tax lister according to a form to be furnished to them by the State Auditor. 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 amount of the school poll tax levied by the general assembly and the board of commissioners, the amount of property school tax levied by the general assembly and the board of commissioners, and also the amount of any special road or other special taxes levied for the county of Robeson as is now or hereafter may be provided by law. One of said copies shall remain in the office of the auditor and the other shall be delivered to the sheriff on or before the first Monday in September in each year and he shall receipt for same: *Provided, however*, that in making out said tax lists the board of commissioners may require the auditor to make out one copy of said tax list according to the form prescribed by the State Auditor as hereinbefore set forth, the same to remain in the office of the county auditor, and the other copy, in the form of a receipt book, with stubs attached, to be delivered to the sheriff as now provided by law.

Delivery of copy to sheriff.

Proviso: list on forms of state auditor.

Form for sheriff's list.

Duties heretofore performed by register.

SEC. 26. It shall be the duty of said auditor to perform and discharge all the duties heretofore imposed upon the register of deeds of Robeson County by virtue of the provisions of sections seventy-four, seventy-six and seventy-seven of chapter four hundred and forty, Public Laws of one thousand nine hundred and nine, commonly known as the "machinery act" or which may hereafter be imposed upon said register of deeds under similar sections of any machinery act enacted subsequent to said act of one thousand nine hundred and nine; and the said auditor shall be subject to all the pains and penalties provided in said sections for neglect of duty as is pro-

vided by said sections to be imposed upon the register of deeds; and the register of deeds of Robeson County is hereby relieved of the duties imposed upon him under said sections of said machinery act, or similar sections of any subsequent machinery act, of all said duties being hereby imposed upon the auditor of Robeson County.

Register relieved.

SEC. 27. It shall be the duty of said auditor to exercise a general supervision over the tax books of said county with a view to preventing the double listing of property and similar errors; and in connection with the board of commissioners of said county it shall be his duty to go over said tax lists and correct any errors, omissions or mistakes which may appear therein. All applications for rebates in taxes paid, due to erroneous listing, shall be made to said auditor and it shall be his duty to investigate all such applications for rebates; and at every monthly meeting of the board of commissioners of said county it shall be his duty to present to said board of commissioners a statement showing all applications for rebates, together with the facts in connection with each application, and to indicate whether each particular application for rebate should be allowed or disallowed; and thereupon it shall be the duty of the board of commissioners to take such action upon such application for rebates as may be just and proper.

Supervision of tax books.

Applications for rebate.

Statement of applications.

SEC. 28. It shall be the duty of the mayors of each incorporated town in the county of Robeson to report to the auditor of said county, on or before the first Monday in June, one thousand nine hundred and eleven and each and every year thereafter, the names of all persons in their respective towns who may be subject to the payment of what are known as schedule "B" and "C" taxes, and it shall be the duty of said auditor to inquire what other persons in said county, residing outside the towns, may be liable for the payment of such taxes, and it shall be the duty of the auditor to report to the sheriff of said county the names of all persons subject to such taxes: *Provided, however,* that this section shall not relieve the said sheriff of any duties connected with said taxes as are now or as may hereafter be imposed upon him by law. It shall also be the duty of the said auditor, on or before the first Monday in May in each year, to mail to the mayor of each incorporated town in Robeson County a notice setting forth a copy of this section of this act and to call the attention of such mayors to their duties under this section, and also to their duties under the next succeeding section of this act, and if any mayor shall fail or neglect to discharge the duties and make the report required by this and the next succeeding section, he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Reports from mayors of towns.

Inquiry by audit or.

Proviso: responsibility of sheriff.

Notice to mayors.

Failure of duty by mayor a misdemeanor.

Punishment.

SEC. 29. It shall be the duty of the mayors of the several towns within the county of Robeson and of all justices of the peace within said county, to report to the said auditor, on the first Mondays in June, October, January and April in each and every year beginning

Reports of mayors and magistrates.

with the first Monday in June, one thousand nine hundred and eleven, a statement of all fines or penalties imposed by them, together with the disposition made of the same, giving the name of the person fined and the amount thereof, and it shall be the duty of said auditor to cause all such fines to be paid to the treasurer of said county by said mayors and justices of the peace; and to exercise a general supervision as may be necessary to the end that all fines are properly accounted for by the collecting officers and turned over to the county treasurer. It shall also be the duty of said auditor, on or before the first Monday in May, one thousand nine hundred and eleven, and yearly thereafter, to transmit by mail to all mayors and justices of the peace of Robeson County, a notice calling their attention to the provisions of this section, which said notice shall contain a copy of this section, and if any mayor or justice of the peace shall fail to make the reports required by this section to the auditor, or fail to turn over and account for any fine or penalty as provided by law, the person so offending shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days and shall also forfeit and pay the sum and penalty of fifty dollars to be recovered in any court of competent jurisdiction in an action brought in the name of the auditor of said county for the benefit of the public school fund of said county, and it shall be the duty of the said auditor to prosecute all violations of this and the next preceding section of this act.

Notice to mayors and magistrates.

Failure of mayor or magistrate a misdemeanor.

Punishment.

Penalty.

Auditor to prosecute.

Neglect of duty by auditor misdemeanor.

Punishment.

SEC. 30. Any person who shall be elected or appointed as auditor of Robeson County who shall willfully fail or neglect to perform any duty required of him by law or by this act, except as herein otherwise provided, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Board of audit and finance to turn over property.

SEC. 31. The board of audit and finance of Robeson County appointed under the provisions of chapter four hundred and seventy of the Public Laws of North Carolina, session of one thousand nine hundred and nine, shall forthwith, upon the qualification of the auditor provided for in this act, turn over to said auditor appointed hereunder, all official books, records, papers or other documents under their control by virtue of their office and all other property or effects now in their possession or under their control by virtue of the office heretofore held by them.

Auditor named.

SEC. 32. That A. T. Parmale be and he is hereby appointed and elected as auditor of Robeson County, under the provisions of this act, and he shall hold his office for a term of two years and until his successor shall be elected and qualified as provided by this act.

Term.

Repealing clause.

SEC. 33. That chapter four hundred and seventy of the Public Laws of North Carolina, session of one thousand nine hundred and nine, and all other laws or clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 34. That this act shall be in full force and effect from and after the first day of April, one thousand nine hundred and eleven. When act effective.

Ratified this the 1st day of March, 1911.

### CHAPTER 347.

#### AN ACT TO PROVIDE FOR COMPULSORY SCHOOL ATTENDANCE IN RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That every parent or person having charge and control of a child between the ages of eight and twelve years, shall, except as hereinafter provided, cause such child to attend the public school in the district where such parent or person resides during the period of each year the public school in the district is in session, unless such parent or person shall show that the child is being regularly instructed in the elementary branches of knowledge in some other school, or at home, by some person capable of giving such instruction. Persons in charge of children to enforce school attendance.

SEC. 2. Any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than five dollars and not more than fifteen dollars for the first offense; and for each subsequent offense he shall be fined not less than ten dollars and not more than twenty-five dollars. Misdemeanor. Punishment. Subsequent offenses.

SEC. 3. Any such parent or person having charge and control of such child, shall be excused from the penalties imposed by this act in the following cases: Excuses.

(a) When it shall be shown to the satisfaction of the county board of education and the school committee of the district in which such child lives, that the physical or mental condition of the child renders school attendance by such child inexpedient or impracticable. Physical or mental unfitness.

(b) When such child shall be prevented from attending school temporarily by sickness, storm, flood, or other unavoidable causes. Temporary causes.

SEC. 4. If any parent or person having charge of a child between the ages of eight and twelve years who is required under section one of this act to attend the public schools, and is not excused under section three hereof, shall be unable to provide such child with school books, food and suitable clothing, upon such parent or person making statement of these facts, on oath, in writing, to the school committee of the district in which such child lives, the said committee shall fully investigate such statement, and if said statement is found to be correct, shall make report of their investigations to the county board of education, who shall cause such child to be supplied with books. The county board of education shall report the facts of the above named investigations to the board of county commissioners, whereupon the said board of com- Books, food and clothing for indigents.

missioners shall cause such child to be supplied with necessary food and suitable clothing.

Report of census taker prima facie evidence.

SEC. 5. The person taking the school census of any district shall obtain the information as to the age of each child in the district from the parent or person having control of such child, and the written report, sworn to by the census taker, shall be *prima facie* evidence in any court of the age of each child therein enumerated.

False statement a misdemeanor.

Every parent or person having control of a child, who shall make any false statement concerning the age of such child, with the intent to deceive the census taker or the teacher of any school, shall be guilty of a misdemeanor and fined not more than twenty-five dollars.

Punishment.

Sworn monthly reports of attendance.

SEC. 6. At the end of each school month of the public school, the teacher or principal of such school shall make a report to the county superintendent of schools, showing the names of the children between the ages of eight and twelve years who had attended such school, and the number of days each child attended. Such statement shall be sworn to by the teacher or principal and shall be *prima facie* evidence in any court both as to the facts stated therein and that any child not enumerated therein did not attend such school during the preceding month.

Lists furnished sheriff.

SEC. 7. It shall be the duty of the county superintendent of schools to furnish at the beginning of each school month, to the sheriff or some other lawful officer of the county, a list of the children who did not, during the preceding school month, attend school as required by law, and upon such information it shall be the duty of said sheriff or officer, upon an affidavit of one of the school committeemen or some other reputable person, that any parent or person has violated the provisions of this act, to cause the offending person to be prosecuted before some justice of the peace of the township in which the offending person resides.

Sheriff to prosecute.

Application of act.

SEC. 8. This act shall apply only to Randolph County.

Repeal.

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

When act effective.

SEC. 10. That this act shall be in full force and effect from and after the thirtieth day of June, A. D. one thousand nine hundred and eleven.

Ratified this the 4th day of March, 1911.

#### CHAPTER 348.

#### AN ACT TO REGULATE HUNTING DEER IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend chapter four hundred and seventy-one of Public Laws, one thousand nine hundred and nine by striking out the word "Transylvania."

SEC. 2. That it shall be unlawful for any person to shoot, trap or <sup>Close season.</sup> in any way kill or destroy any deer between the fifteenth day of December and the first day of November of each year: *Provided*, <sup>Proviso: fire hunting and chasing.</sup> that no person shall during the open season for hunting deer in said county be allowed to hunt with a light at night, neither shall be allowed to chase or run deer with more than four dogs.

SEC. 3. That no person shall kill more than three deer during the open season and shall not hunt on the lands of another without <sup>Limit of kill. Hunting without permission of land-owner.</sup> permission.

SEC. 4. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not <sup>Misdemeanor. Punishment.</sup> less than twenty-five dollars or imprisoned at the discretion of the court.

SEC. 5. *Provided*, that all persons owning private parks, having <sup>Proviso: deer in private parks.</sup> suitable fences around same and who raise deer for the purpose of propagation and has domesticated deer therein may kill any of their said deer at their option at any time of the year.

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

Ratified this the 4th day of March, 1911.

#### CHAPTER 349.

AN ACT TO INCREASE THE BOARD OF COUNTY COMMISSIONERS OF BURKE COUNTY FROM THREE TO FIVE AND TO DIVIDE THEM INTO TWO CLASSES, AND TO FIX THEIR TERM OF OFFICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the number of the county commissioners of <sup>Number increased.</sup> Burke County is hereby increased from three to five, and that the two additional members to serve until the next general election shall be J. A. Cox, of Upper Creek township and Joseph Mull, of <sup>Additional members named.</sup> Lower Fork township.

SEC. 2. That at the next general election to be held in the year <sup>Election of successors.</sup> one thousand nine hundred and twelve, there shall be elected in the county of Burke, by the duly qualified voters thereof, five members <sup>Classes.</sup> of the board of county commissioners, divided into two classes; three of whom shall compose one class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire at the end of two years thereafter, <sup>Class elected for two years.</sup> or on the first Monday of December, one thousand nine hundred and fourteen; and two of whom shall compose the other class, whose <sup>Class elected for four years.</sup> term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire four years thereafter,

- or on the first Monday of December, one thousand nine hundred and sixteen. That upon the expiration of the term of office of both classes of said commissioners their successors shall be elected to hold office four years and until their successors are elected and qualified.
- Terms of successors.** Regular meetings. SEC. 3. That the board of commissioners of Burke County shall hold a regular meeting at the court-house in said county on the first Monday in each and every month, and may adjourn any regular meeting from day to day, or to any day in the month until the business before it is disposed of. Special meetings may be held at other times for the more convenient dispatch of business, at the call or the chairman on the written request of any one member of the board, but public notice of the time and place of such call meeting shall be posted at the court-house door for not less than three days prior thereto. Every member of said board shall have notice of said meeting. All meetings of said board shall be open to the public, except when the board shall decide to go into executive session.
- Regular meetings.** Pay of members of board. SEC. 4. Each member of said board of commissioners shall receive for his services in attending the meetings of said board the sum of three dollars per day without mileage, for each day that he is in attendance on said board. That the chairman of said board, if thought necessary by the board, shall have pay for extra work not to exceed five days in any one month at the same rate prescribed heretofore.
- Adjournment from day to day.** Extra allowances to chairman. SEC. 5. That said board of commissioners shall have the power, if thought wise to do so, to employ an auditor for such time as they may think necessary, who shall receive the same pay per day as the members of the board receive.
- Special meetings.** Repeal. SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Open meetings.** When act effective. SEC. 7. That this act shall be in force from and after December first, one thousand nine hundred and eleven.
- Ratified this the 4th day of March, 1911.

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### CHAPTER 350.

#### AN ACT TO PROVIDE FOR THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

Granville stricken from former law.

SECTION 1. That chapter six hundred and six of the Public Laws of one thousand nine hundred and nine be amended by striking out the word "Granville" wherever it may occur in said chapter.

Salary of chairman.

SEC. 2. That the chairman of the board of commissioners of Gran-

ville County shall receive an annual salary to be fixed by the board of county commissioners not to exceed the sum of four hundred dollars in lieu of all other compensation.

SEC. 3. That the other members of the said board of commissioners of Granville County shall receive three dollars per day and five cents per mile in going to and returning from each meeting of the board of commissioners. Pay of other commissioners.

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 this the 4th day of March, 1911.

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### CHAPTER 351.

AN ACT TO CHANGE THE TOWNSHIP BOUNDARY LINE BETWEEN MULBERRY AND ROCK CREEK TOWNSHIP IN WILKES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the township boundary line between Mulberry and Rock Creek townships, Wilkes County be and the same are hereby changed so as to run as follows: Beginning at the southeast corner of Mulberry Township (mouth of Long Branch) and runs up Mulberry Creek as it meanders to public road near J. P. Ellege; thence northeast with said road to forks of road near A. B. Hays, including J. P. Ellege, D. A. Ballard, P. L. Hays, C. M. Dearman, J. N. Wilds, and their entire farms in Rock Creek Township. Boundary.

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

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 352.

AN ACT TO AMEND REVISAL, SECTION TWO THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE, RELATING TO SALARY OF COUNTY COMMISSIONERS IN PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and eighty-five of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section Manager of roads and road forces.

Salary.

the following: "In Pasquotank County the board may elect the chairman or anyone of its members as manager of the roads and road forces, and pay him a salary for his services, to be fixed by the board, not to exceed three hundred dollars a year.

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 353.

#### AN ACT AUTHORIZING THE ESTABLISHMENT OF A STOCK LAW IN A CERTAIN PART OF NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

Stock law.

SECTION 1. That it shall be unlawful for any live stock to run at large in that part of Northampton County embraced within the following boundaries: Beginning on the east side of the line or road bed of the Atlantic Coast Line Railroad Company at the northern bank of the Roanoke River, Occoneechee Township, or beginning on the adjacent land to said eastern side of said line and within twenty feet thereof, at the northern bank of said Roanoke River; thence northerly along the said Atlantic Coast Line Railroad Company's line or road bed, or within twenty feet thereof, to Jack Swamp; thence down Jack Swamp to Mill Swamp; thence down Mill Swamp to the Virginia State line; thence west along said state line to the Warren County line; thence south along the Warren County line to the Roanoke River; thence along said river to the beginning, embracing all of Gaston and parts of Occoneechee and Pleasant Hill townships. That any person owning land on the outside of the land mentioned above in this section shall have the privilege of bringing his or her lands within the provisions of this act by building and extending the fence so as to include their lands: *Provided*, that such persons shall pay the extra expense that shall be caused for widening or extending the territory, or shall construct the fence without cost to any of the parties living within the boundaries mentioned above; but when the fence is constructed it shall come within the purview of this act, and the outward line of the fence, as so repaired, shall be under the general provisions of this act: *Provided*, the extension as aforesaid shall be only applicable to the lands that are adjacent to the lines specified in section one.

Boundaries.

Extension to outside lands.

Proviso: extra expense.

Proviso: extension only to adjacent land.  
Act not effective until fence built.

SEC. 2. That this act shall not be in force within said territory until a good and lawful fence has been erected on the line extending from Roanoke River to the Virginia State line, fully set out in section one, with gates on all public roads passing into or through said line, and proper cattle guards at all streams intersecting said line.

SEC. 3. That if the owners of any lands shall object to the building of the fence herein allowed, a sufficient width of his land shall be condemned for the fenceway as land is now condemned for railroad rights-of-way. The county commissioners shall have exclusive control of erecting the fence, gates and cattle guards herein provided for, and the appointment of such keepers, fence commissioners and repairers as they may deem proper, and they are hereby granted full power for that purpose, to be exercised according to the best discretion.

Condemnation of land for fenceway.

Erection of fence and appointment of keepers and repairers.

SEC. 4. That for the purpose of the next preceding section it shall be lawful for the county commissioners of Northampton County to assess and collect a special tax for the building and repairing of said fence on all real property within the boundaries of said fence, as provided in section one thousand six hundred and eighty-five of The Revisal of one thousand nine hundred and five and any laws amendatory thereto.

Fence tax.

SEC. 5. That any person willfully permitting his or her live stock to run at large within the aforesaid boundaries shall be guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Permitting cattle at large a misdemeanor.

Punishment.

SEC. 6. That any person willfully tearing down or in any manner breaking a fence or gate established pursuant to this act, or willfully breaking any enclosure within any boundaries where this act is in force and wherein any stock is confined, so that the same may escape therefrom, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Injuring fences, gates or enclosures a misdemeanor.

Punishment.

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, hogs, sheep, goats, geese and all neat cattle and swine: *Provided*, that in all levies made under section four the constitutional equation in property and poll shall be observed.

Stock construed.

Proviso: constitutional equation.

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

Ratified this the 4th day of March, 1911.

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## CHAPTER 354.

### AN ACT TO ESTABLISH FARM LIFE SCHOOLS IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be maintained in one or more of the public high schools in Wayne County, complying with the provisions of this act as hereinafter set forth, a department of agriculture in-

Preparation for farm life and home making.

struction and a department of training in domestic science and home economics in order to better prepare the boys and girls of said county for farm life and home making.

SEC. 2. That the school or schools, shall be under the control and management of a board of trustees consisting of the members of the board of education of said county and the chairman and secretary of the board of trustees of each high school in which such departments are established.

SEC. 3. That after due advertisement inviting bids from the public high school of said county now in existence or hereafter created, the county board of education of Wayne County shall designate the place or places at which such agricultural or domestic science work shall be established. In designating a school the said county board of education shall take into consideration the financial aid offered for maintenance and equipment, desirability and suitability of location: *Provided, however*, that no such department shall be established in a school which is located in a town of more than one thousand inhabitants nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

SEC. 4. That for the maintenance of said school or schools the county board of education of Wayne County shall provide annually out of the public school fund, or by donation, or local tax, not exceeding twenty-five hundred dollars: *Provided, however*, that the present average school term of the county shall not be shortened by the appropriation herein designated. Any school applying for the benefit to be derived under this act shall first provide a building with recitation rooms, laboratories, and apparatus necessary for efficient instruction in the prescribed subjects of study and such dormitory buildings as the county board of education of said county may require and a farm of not less than ten acres of good arable land, said land to be situated not more than one mile from the school building: *Provided, however*, that before the county board of education of Wayne County shall designate any school as a place at which the agricultural and domestic science work shall become a part of the school curriculum it shall first submit to the State Superintendent of Public Instruction for his inspection and approval the equipment provided for said school.

SEC. 5. That the purpose of said school or schools are to give to the boys and girls such preparation as is now given in the said county public county high school and in addition to that to give to the boys training in agriculture pursuits and farm life, and to prepare the girls for home making and housekeeping. The course of study for the said school or schools shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board on farm life school shall be appointed by him.

SEC. 6. That the teacher or teachers of the public high school, the teacher of agriculture, and the teacher of domestic science,

Control and management of schools.

Designation of schools.

Considerations governing designation.

Proviso: schools in or near towns.

Maintenance.

Proviso: average school term.

Buildings, equipment and farm.

Proviso: inspection and approval of State Superintendent.

Purposes of school.

Course of study.

Faculty.

shall constitute the faculty of the county high school, who shall arrange a weekly schedule of work and submit such weekly schedule to the county superintendent of education of Wayne County for his approval. Schedule of work.

SEC. 7. That upon its being made to appear to the State Board of Education that Wayne County has complied with all the provisions of this act for establishment, maintenance, and equipment of an agricultural department, and a domestic science department, in connection with one or more of the public high or graded schools of the said county, it shall appropriate and pay to the county board of education of Wayne County for such purpose an amount equal to that appropriated and furnished by the county of Wayne for said work: *Provided, however*, that said appropriation by the State Board of Education shall not exceed the sum of twenty-five hundred dollars (\$2,500) annually for the maintenance of said work in said county. That any money that is now, or may hereafter be appropriated by the General Assembly of North Carolina the State Board of Education or other State authority for agricultural or domestic science education, a part of which appropriation would, except for this act, be appropriated to Wayne County absolutely, or upon contingency or contingencies, then, and in that event such appropriation which would go to Wayne County shall be turned over to the county board of education of Wayne County to aid in the carrying out of the provisions of this act. That compliance with the provisions of this act by the authorities of Wayne County shall be sufficient to entitle the county of Wayne to its proportion of any appropriation of money already made or which may hereafter be made for training in the science of agriculture or domestic science. The State Superintendent of Public Instruction shall issue a requisition on the State Auditor for the amount so apportioned to Wayne County and he shall issue his warrant to the county treasurer of said county and the money shall be placed by the said treasurer to the credit of the school or schools of Wayne County in which said agricultural and domestic science work is being conducted: *Provided, however*, that all moneys thus placed to their credit shall be used exclusively for the purpose of instruction in agriculture and domestic science. Appropriation by State Board of Education.  
Proviso: limit of amount.  
Apportionment from State.  
Requisition for payment.

SEC. 8. That nothing in this act shall be construed to lessen the power and authority of the principal of the high school, but the instructors in the various departments shall be considered members of the faculty of which the high school principal is head. Power and authority of principal.

SEC. 9. That no person shall be employed as teacher in agriculture or domestic science in the school or schools herein provided for unless the applicant has furnished to the trustees satisfactory evidence of a liberal education, and in addition thereto special preparation and fitness for the specific branches to be taught, said qualifications to be passed upon by county superintendent of Wayne Qualifications of teachers.

County, and if approved, submitted to the State Superintendent of Public Instruction for his approval. In addition to the above requirements, the said person shall hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages.

Tuition fees of nonresident pupils.

SEC. 10. That the board of trustees of the school or schools herein provided for is authorized and empowered to admit students from other counties of the State to said school or schools upon payment of such tuition charges as said board of trustees may fix, but all students who are residents of Wayne County shall be admitted to any of said schools without charge for tuition: *Provided, however,* that there shall be no discrimination against students coming from other counties in the charges fixed for board and incidentals.

Free tuition.

Proviso: charges for board and incidentals.

Co-operative work.

SEC. 11. That it shall be part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm life and extension work in Wayne County in co-operation as far as possible with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts and the United States Department of Agriculture; to hold township and district meetings in various parts of Wayne County from time to time for farmers and farmers' wives; to co-operate with the county superintendent of education of said county and with the commissioner of agriculture, if such officer exists, in stimulating, directing, and supervising practical farm life work in the public high school and the elementary schools of said county, and in providing, instructing, through the Teachers' Association and through a special short course of study at the schools where agriculture and domestic science instruction is given for the public school teachers of the said county.

Application of act.

SEC. 12. That this act shall apply only to Wayne County.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

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## CHAPTER 355.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Election for bond issue called on petition.

SECTION 1. That the board of county commissioners of Lee County be, and it is hereby authorized, empowered and directed to submit within a period of not less than forty nor more than sixty days

from the filing with them of a petition signed by not less than two hundred of the qualified voters of said county, to the qualified voters of said county, the question as to whether or not the county of Lee shall issue bonds in the sum of one hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving or macadamizing the public highways of said county; such election to be called from time to time, as often as the provisions as to the filing of said petition is complied with. That the said board of county commissioners shall, for at least thirty days preceding the election, give public notice of said election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the votes cast in any such election shall be against the issue of bonds, the commissioners shall submit the question to the qualified voters from time to time as often as the requirements as to the filing of the petition herein provided for are complied with.

Amount to be voted on.

Use of proceeds.

Notice of election.

Proviso: successive elections.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars and the judges of election in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly; and said county commissioners may or may not order a new registration for the said election that may be held under the provisions of this chapter. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the results of said election shall be necessary.

Law governing election.

Proviso: election officers.

New registration.

Count and return of votes.

Canvass and record.

SEC. 3. That at the said election or elections, the ballots tendered and cast by the qualified voters shall have written or printed, or partly written and partly printed, upon them "For Good Roads," or "Against Good Roads," and all qualified electors who favor the issuing of said bonds shall vote "For Good Roads," and all qualified electors opposed to the issuing of bonds shall vote "Against Good Roads."

Ballots.

SEC. 4. In the event that the majority of the votes cast in any such election held under the provisions of this chapter shall be cast "For Good Roads," the result shall be recorded and declared as aforesaid, and the board of county commissioners shall cause an election to be held within forty days from their next monthly meeting, to elect seven residents of said county, one to be elected from among the qualified voters in each township in said county, and by

Election of highway commissioners.

the qualified voters thereof, to be known as the highway commissioners of Lee County, said election to be held under the same rules and regulations as the election for bonds, and the qualified voters of each township shall vote for some qualified elector residing in their township. The terms of office of said highway commissioners first elected shall be fixed as follows: At the meeting of the board of commissioners which shall canvass and declare the result of said election, the names of the seven highway commissioners shall be written upon slips of paper and drawn from a hat; the first two so drawn shall serve for a term of two years from the first Monday in December following, or until the first Monday in December next following the next election for members of the General Assembly, if it should sooner occur; the next three shall serve for four years from the first Monday in December following, or until the first Monday in December next following the second election thereafter held for election of members of the General Assembly, if it should sooner occur; the next two shall serve for six years from the first Monday in December following, or until the first Monday in December next following the third election thereafter held for the election of members of the General Assembly, if it should sooner occur. That as the terms of office of the said highway commissioners shall expire, their successors shall be elected for a term of six years at the general election held for the election of members of the General Assembly, the qualified electors in each township voting for the election of the highway commissioners to be elected therefrom as herein provided. That the board of highway commissioners shall have power to fill all vacancies by death, resignation or otherwise, until the next general election for members of the General Assembly, when the unexpired term shall be filled by election by the qualified voters of the township. That the language used in fixing the terms of the first highway commissioners elected hereunder shall be construed to fix the termination, and not the beginning of said term, and that as soon as practicable after the election of said highway commissioners as herein provided, they shall meet, and after taking and subscribing before some person duly authorized to administer oaths, an oath to perform the duties of the said office to the best of their skill and ability, shall organize by electing one of their number chairman and another secretary, and shall pass such rules and regulations for their government as they shall deem best.

SEC. 5. In the event that a majority of the votes cast at any such election held under the provisions of this act shall be "For Good Roads," the result shall be declared and recorded as aforesaid, and the board of commissioners of the county shall have bonds prepared of the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, as they may deem best, the total amount being that provided for in the first section of this act. The said bonds shall bear a rate of interest to be determined by the board

Law governing election.

Terms of office.

Terms of successors.

Vacancies.

Beginning of terms.

Meeting for qualification and organization.

Organization.

Bond issue.

Denominations.

Amount.

Interest.

of county commissioners not exceeding five per cent per annum, with coupons attached, payable semi-annually during the time the bonds shall run, and the principal thereof shall be payable forty years from their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Lee County, in the court-house of Lee County, North Carolina, and said bonds shall be numbered consecutively, beginning with the number one, and each bond shall be signed by the chairman of the board of county commissioners, and countersigned by its clerk, and each coupon shall bear a fac-simile of their signatures, and each bond shall be authenticated by the seal of the county and shall be styled "Lee County Highway Improvement Bonds."

Maturity.

Authentication.

Style of bonds.

Delivery to highway commission.

SEC. 6. That immediately upon the preparation and signing of said bonds, the said board of county commissioners shall either exchange said bonds for the bonds of the State of North Carolina, or turn over to the chairman of the highway commission herein provided for, all of said bonds without the county seal having been affixed to any of them. The highway commission shall have power to advertise and sell all or any part of the said bonds, at such time and place as they may deem best, for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expense of such advertisement and selling or other necessary expenses in regard thereto, to be paid out of the fund arising from the sale thereof. Before delivering any of the bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the custodian of the county seal of Lee County, whose duty it shall be to affix said seal to the bonds so sold, and no bonds shall be of any value until such seal is so affixed, and when so affixed in accordance herewith, the same shall be to all intents and purposes a lawful sealing of the same. Said bonds shall not be sold or disposed of in any way for less than their face value, nor shall they or their proceeds be used for any other purpose than those described in this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of the fund. Said bonds 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 where payable, and the bonds shall show by what authority they are issued. The highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold, the number of bonds and their denominations, to whom sold and the number of coupons attached. Said minutes shall always be open to the inspection of the board of county commissioners.

Sale of bonds.

Bonds sealed.

Bonds not to be sold below par.

Specific appropriation.

Record of bonds.

Minutes open to inspection.

That, whereas, Jonesboro Township has an outstanding bond issue of fifteen thousand dollars of bonds for the purpose of con-

Bonds of Jonesboro Township.

structing and improving the public roads of said township; and, whereas, it is desired to make the whole road improvement scheme a county instead of a township movement, the board of highway commissioners shall deliver to the chairman of the board of county commissioners of Lee County fifteen thousand dollars of the bonds authorized by this act, to be substituted for the fifteen thousand dollars of said township bonds as follows: If said township bonds shall at that time be unsold the county commissioners of Lee County shall deliver the same to the said highway commissioners of Lee County, and the same shall be canceled; and the tax as provided for in the act authorizing said township bonds shall not be levied or collected. If the said Jonesboro Township bonds shall have been sold before the issue of the highway improvement bonds authorized by this act, the said highway commissioners shall deliver to the chairman of the board of county commissioners of Lee County fifteen thousand dollars of the bonds authorized by this act, properly signed and sealed, to be exchanged with the holders of the said township bonds, if the said holders will consent thereto; if the said holders will not consent to the change, then said bonds are to be held in trust by the said county commissioners, the coupons thereof to be paid by the county treasurer as they become due, the money arising therefrom to be devoted to the payment of the interest on the township bonds, while the bonds themselves are to be retained for the redemption of outstanding fifteen thousand dollars of township bonds. It shall be the duty of the officer having charge thereof to turn over to the highway commissioners of Lee County all money remaining on hand arising from the sale of said township bonds, and all engines, rock crushers, and other road machinery in their possession purchased with the proceeds thereof.

SEC. 7. When any of the bonds provided for in this act are sold, the proceeds of the sale shall be turned over to the treasurer of Lee County, who shall keep said fund separate from all other funds and keep separate accounts of the same. Said treasurer shall, annually before any fund provided for in this act is paid over to him, execute an official bond payable to the county of Lee, in the usual form. the penal sum to be equal to the greatest amount which may at any time come into his hands during the succeeding year, conditioned for his faithful safekeeping of the same, and in all things holding, disbursing and accounting for the same as required by law, which bond shall be passed upon and received by the county commissioners of Lee County, under the same conditions applying to the bonds of county officers. All orders directed to the treasurer for the payment of money under this act shall state on their face that they are highway orders and to what account they are chargeable, and they shall be signed by the chairman and secretary of said highway commission: *Provided*, the county treasurer's compensation for the duties imposed by this act, shall not exceed one per cent of money disbursed by him.

Bonds unsold,  
canceled.

Bonds heretofore  
sold exchanged.

Township funds  
and machinery.

Separate funds  
and accounts.

Bond of treasurer.

Highway orders.

Proviso: commis-  
sion of treasurer.

SEC. 8. That in case said election shall be in favor of issuing Road tax. bonds, the board of county commissioners shall levy annually on the first Monday in June a separate road tax for the county of not more than twenty cents on the hundred dollars worth of property and not less than ten cents, and not more than sixty cents on the poll, and not less than thirty cents, the constitutional equation being observed at all times, the subject of taxation and the levying of taxes to be the same as those on which the board of county commissioners now are or hereafter may be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes and the same shall be a separate fund to be applied, first, to the interest on said bonds; second, to the working and maintenance of the public roads under the provisions of the road law which may be in force for Lee County; and, third, to the creation of an adequate sinking fund for the redemption of said bonds. The sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the interest thereon, shall be used for any other purpose. The board of county commissioners shall manage and invest the funds at their discretion until paid out for the redemption of bonds in the manner set out in this act: *Provided*, the said board of county commissioners may, in their discretion, from time to time use any of said sinking fund for the purpose of purchasing in open market of any bonds issued under the provisions of this act: *Provided*, the holders of said bonds consent.

SEC. 9. The said highway commission shall have full and exclusive control of construction, improvement, maintenance and working of the roads and bridges of Lee County, and shall use the funds derived from the sale of said bonds to construct and improve the public highways in said county, and shall, in their discretion, purchase and hold or contract for the use of such tools, machinery, implements and stock, and employ such contractors, overseers, foremen and laborers as they may deem necessary for the said purpose, and shall expend such part as is available of the funds raised by the tax levy to maintaining and working said roads and bridges. Persons convicted in any way in the courts of the county, superior, justices, recorder's or mayor's courts, and sentenced to the public roads, may be assigned by the board of county commissioners into the custody and control of the highway commission. Said convicts while in the custody and under the control of the said highway commission shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts, while so employed, shall be paid out of the fund derived from the sale of said bonds: *Provided*, that when the highway commission shall have made provisions for the expense of supporting and guarding while at work

Road tax.  
Limit of rate.

Collection and application of taxes.

Sinking fund.

Management and investment of sinking fund.

Proviso: purchase of bonds.

Proviso: consent of holders.

Powers of commission.

Use of funds.

Convicts sentenced to road work.

Employment of convicts.

Maintenance and guarding.

Proviso: convicts from other counties.

on the public roads, a larger number of convicts than can be supplied from Lee County, upon application of the highway commission 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, he may sentence such able-bodied male prisoners as are described in section nine of this act from such adjoining counties or other counties in the same adjoining judicial districts, to work on the public roads of Lee County, and the cost of transporting, guarding and maintaining such prisoners as may be sent to said county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of said county: *Provided*, that any and all 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 Lee County.

Transportation, guarding and maintenance.

Proviso: return of convicts.

Classification of roads.

Selection of highways.

Proviso: highways in towns.

Thoroughfares or highways.

SEC. 10. For the purposes of this act the roadways of the county are hereby classified as follows, and the funds raised under the provisions of this act shall be expended upon such highways as herein classified as the highway commission, in its discretion, may decide to improve: *Provided*, that such highways shall be improved within the limits of the incorporated towns whenever such highway may extend into or through such incorporated town:

(a) The thoroughfares or highways include the more important public roads which usually lead through two or more townships or counties and are exclusively used by the traveling public. These become the highways of the county as they are properly graded and drained and have their surfaces improved by being covered with broken stones, gravel, shells or suitable admixture of sand and clay.

(b) The neighborhood or branch roads are public roads which are usually to the limits of one or two townships and generally lead from neighborhoods or settlements to main thoroughfares.

(c) Cartways, which have no general public junction, are private highways opened up to allow one or more persons on foot, on horseback, or with a vehicle, to pass to and from his or her property through lands belonging to other parties in order to reach the public road.

Neighborhood or branch roads.

Cartways.

Surveys and locations.

SEC. 11. That the thoroughfares or highways as defined above to be improved or constructed in accordance with the provisions of this act, prior to the inauguration of any such permanent improvement on the road or highway to be so improved or constructed, shall be first carefully surveyed and located by a competent road engineer, trained and experienced in such work aided by such assistants as it may be necessary for him to employ, the same to be paid out of the road bond fund of the county, for services and expenses, as may be agreed upon by the highway commission. All such pub-

Grade and width.

lic roads or highways, where changed or hereafter located or re-located or widened, shall be given a grade nowhere greater than five feet in one hundred feet, and they shall have a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions: *Provided*, that where in the opinion of an experienced and expert engineer, insurmountable obstructions make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred, 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 hill, its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall not be less than thirteen feet: *Provided, further*, that these thoroughfares or highways shall have a right-of-way of forty feet wide, but the width of the roadbed within the limits here specified shall be decided by the highway commission. All such roads shall be thoroughly drained and whenever it may be necessary to turn water across them, this shall be done by putting in sewer pipes or other forms of covered drains or culverts. These thoroughfares or highways as they are improved under the provisions of this act shall be located at a distance from any railway line of not less than two hundred (200) feet, except in cases where in the opinion of an experienced road engineer a nearer approach to said railway line for a few yards be necessary. They shall cross said railway lines only when, in the opinion of such engineer, this be necessary, and at such crossings, whenever possible, the roadway shall be located either under or over the said railway line; and it shall be the duty of the company operating the said railway line to construct and keep in good repair the roadbed, including necessary bridges or culverts, of such thoroughfares or highways across the right-of-way occupied and claimed by said railway company, this precaution being taken as a proper safeguard to life.

Proviso: increase of grade.

Proviso: decrease of width.

Proviso: right-of-way.

Drains.

Location near railways.

Railway crossings.

Construction and repairs by railways.

SEC. 12. The neighborhood or branch roads, as defined in section ten (b) of this act, shall have a right-of-way of forty feet; but the width and grade of the roadway and specifications under which these roads shall be kept in repair shall be decided by the county superintendent of roads, subject to the approval of the highway commission; and said roads may be relocated or otherwise changed in the manner provided for in section eleven of this act. The amount and nature of the labor to be performed in the maintenance and repair or change of any one of these roads or parts thereof, shall be at the discretion of the superintendent or supervisor in charge of said roads, except as otherwise provided herein.

Details of neighborhood or branch roads.

Work.

SEC. 13. Cartways, defined in section ten (c) of this act are to be kept in repair by parties using the same. Any party desiring a cartway opened up over the lands of another person or persons may file his petition for the same before the highway commission, pray-

Repairs of cartways.

Procedure for establishment of cartways.

ing for a cartway to be kept open across such other person's land, leading to some public road; and upon his making it appear to the commission that the owner or owners of said land, or their legal representatives, have had ten days notice of his intention, the board shall hear the allegations of the petitioner and the objections, if any, of the owner or owners or their representatives, and if sufficient reason be shown shall order the constable or other officer to summon a jury of five freeholders to view the premises and lay off a cartway not less than fourteen feet wide, and assess the damages, if any, 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. Cartways, laid off according to the provisions of this section, may be changed or discontinued upon application of any person concerned, under the same rules of the proceeding as they may be first laid off, and upon such terms as to the highway commission shall seem equitable and just. Any person through whose land a cartway may pass, may direct gates or bars across the same; if any person shall break down, or otherwise injure such gates or bars he shall forfeit and pay, for every such offense, ten dollars to the person erecting the same or the owner of the land; and if the offense shall be maliciously done he shall be guilty of a misdemeanor: *Provided*, that in case a cartway has been granted by mutual consent of the interested parties and without effectual sanction shall not be closed by any party until opportunity has been given for the establishment of such a cartway as herein provided for; and any person so closing a cartway in violation of this provision shall be guilty of a misdemeanor.

SEC. 14. As soon as the highway commission shall be organized they shall elect by ballot a highway superintendent for the county of Lee and fix his compensation. The result of said election shall be declared and recorded in the proceedings of the highway commission. The person so elected shall take and subscribe an oath for the faithful performance of his duty as such highway superintendent, and shall execute an official bond in the sum of two thousand five hundred dollars (\$2,500) for the faithful performance of his duties and for accounting for all money and property which may come into his hands as such officer. He shall hold his office for two years and until his successor qualifies, except that the highway commission may for good cause remove him from his said office and elect a successor for the unexpired term. He shall have direct supervision of the location, construction and maintenance of all the road work of the county, subject to the approval of the highway commission. It is further provided, that the said superintendent shall be a competent and experienced road builder, and in case the General Assembly does not provide the necessary appropriation to enable the State to furnish engineering assistance to the counties, the said road superintendent shall be a competent road engineer.

Change or discontinuance.

Gates or bars.

Forfeit for injury to gates or bars.

Malicious injury a misdemeanor. Cartways by consent.

Misdemeanor.

Election and compensation of highway superintendent.

Record of election.

Superintendent to qualify and give bond.

Term of office.

Power of removal.

Duty.

Qualifications.

SEC. 15. The treasurer of Lee County shall on the first Monday in each and every month post at the court-house door of said county itemized statement showing in full an account of his receipts and disbursements for the previous month, and the highway commission shall require him to account to them quarterly in each year for the said highway fund, and it may require as often as it may deem best reports from officers and employees concerning their progress and their duties, and to what extent and in what manner they have performed the same.

Itemized statements posted monthly.

Quarterly accounts.

Reports from officers and employers.

SEC. 15. The board of county highway commissioners shall have power, on petition on their own motion, to relocate, construct, widen or otherwise change public roads or parts thereof, and to lay out and construct new roads when in their judgment the same will be advantageous to public travel, and for such purposes are authorized, through their agents, to enter upon lands to make the necessary surveys. Before doing any work or construction, apart from the surveys, the said board shall give to the landowner over which the proposed new road or change of road may run, at least five days notice in writing of a time and place when and where the board will consider the question of condemning the necessary land. If the landowner be a minor or insane, such notice shall be given him or his guardian, or, if there be no guardian, to the person with whom he is living. If the landowner be a nonresident, or can not be found within the county, such notice shall be mailed to his last known address and published in a newspaper of Lee County at least seven days before the hearing. If the highway commission shall find the proposed improvement advantageous to public travel and shall decide to condemn the land necessary for the road, they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation, the findings and order of the highway commission shall not be subject to review. No strip of land wider than forty feet, with such additional width as may be necessary for cuts and fills, shall be acquired by condemnation. Upon making the order of condemnation, the said commission shall have authority, through their agents, to immediately take possession of the land described in the order and construct the road. If the landowner, after the road has been re-located or otherwise changed or after the new road has been opened, shall consider himself damaged and shall be unable to agree with the commission as to the amount of damages, he shall within ninety days after opening, re-locating or otherwise changing the road, apply to the clerk of the superior court for an assessment of damages. Five days notice of such application shall be given to the highway commission. The clerk shall appoint and cause to be summoned a jury of three disinterested freeholders to assess the damages, and shall at the time of appointing the jury fix the time and place for their meeting. If for any cause the jurors shall fail to so meet, they

Powers of highway commissioners.

Entry on land for surveys.

Notice to land-owners.

Condemnation of land.

Width of land condemned.

Possession of land.

Procedure for assessment of damages.

shall meet at such other time and place as may be fixed by them, after giving forty-eight hours notice thereof to the commission and to the landowner or his attorney. The jurors being duly sworn shall in considering the question of damages take into consideration the benefits to the landowner, and shall render a verdict for such amount, if any, as the damages exceed the benefits, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly. Either the commission or the landowner may appeal to the superior court within ten days from the filing of the report. If the landowner appeals the clerk shall require him to give bond or make a deposit of a sum not exceeding \$100, this to secure such cost as may be recovered against him on appeal, and if the amount of damages recovered by him in the superior court shall not exceed the amount offered him by the commission prior to the assessment of damages before the clerk, he shall be taxed with all costs accrued since the time of such offer. If the landowner make affidavit of inability, by reason of poverty, to give the required bond or deposit, he shall be allowed to appeal without bond. The bond or deposit may be increased by the judge of the superior court.

**Right of appeal.** The appellate court shall in no wise adjudicate the necessity of the relocation, widening or other change or of the opening of the road, but shall try under the rules of procedure of the superior court only the question of damages and benefits: *Provided*, that if the commission shall desire to have the damages assessed before proceeding to the work of construction, and shall fail to agree with the landowner as to the damages, they shall within sixty days after the order of condemnation make application to the clerk accordingly, first, however, serving upon the landowner, in the manner as hereinbefore provided for, condemnation notice of such application. Upon hearing the clerk shall appoint and cause to be summoned three disinterested jurors, who shall proceed and make report as hereinbefore directed, except that they shall separately state therein the damages caused by the survey or surveys, and the rights of appeal and proceedings on appeal shall be as hereinbefore set forth:

**Bond on appeal.** *Provided*, that within ten days after the filing of the report, or before final judgment in the superior court, if an appeal shall have been taken the commission shall have the election to abandon the proposed road improvement or construction, and in such case the clerk or the judge of the superior court, if an appeal shall have been taken, shall render judgment, so declaring, setting aside the order of condemnation awarding to the landowner the damages actually sustained and taxing the commission with all cost.

**Trial on appeal.**

**Proviso: assessment before work.**

**Proviso: election of abandonment.**

**Audit and settlement of accounts.**

SEC. 17. The board of county commissioners of Lee County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff, the county treasurer; and the said board of county commissioners may institute and prosecute any necessary action for

recovery of any such road taxes in case an official fails to account for the same.

SEC. 18. All expenses incurred by the highway commissioners on account of meetings held by reason of duties imposed by this act shall be paid upon their order out of the funds provided for by this act. Expenses of meetings.

SEC. 19. Any highway commissioners or superintendent making or causing to be made any fraudulent order, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court, and shall be removed from office. Any highway commissioner or superintendent neglecting or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not more than fifty (50) dollars nor imprisoned not more than thirty (30) days. Fraudulent orders misdemeanor.  
Punishment.  
Neglect of duty a misdemeanor.  
Punishment.

SEC. 20. That in expending the funds raised under the provisions of this act, the said highway commissioners shall not expend in the township of West Sanford, East Sanford or Jonesboro a greater portion of the same than the pro rata portion of said fund due said townships according to the taxable property in each. Apportionment of funds.

SEC. 21. That the compensation of the said highway commissioners shall be the same in all respects as the compensation of the county commissioners of Lee County. Compensation of commissioners.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 4th day of February, 1911.

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**CHAPTER 356.**

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, ENTITLED "AN ACT TO PROVIDE FOR A SYSTEM OF PERMANENT ROAD BUILDING IN GRANVILLE COUNTY AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY TO ISSUE BONDS AND FOR OTHER PURPOSES."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and fifty of the Public Laws of one thousand nine hundred and nine be amended as follows: By adding after the word "contract" in line eleven of section nine the following: "To have the general superintendence, under the supervision of the board of commissioners, of the convict force of the county," and by striking out the words "super- Supervision of convict force.  
Supervisors.

- visors and" in line twelve of said section and by adding to said section the following: "Said road engineer, before entering upon the duties of his office, shall file with the board of county commissioners a bond in the penal sum of two thousand dollars to be approved by the said board of county commissioners, for the faithful discharge of the duties of his office, which bond shall be registered and filed as other official bonds. And the said road engineer shall submit in writing to the board of county commissioners a monthly report of the work done by him in every township, and he shall submit in writing a quarterly report, showing, in addition to the work done, the tools, implements, teams and other equipment belonging to the county, under his charge."
- Road engineer to give bond.      SEC. 2. That section twelve of said chapter be amended by striking out the word "quarterly" in line two and inserting in lieu thereof the word "monthly."
- Monthly reports.      SEC. 3. That section thirteen of said chapter be and the same is hereby repealed.
- Quarterly reports.      SEC. 4. That section fourteen of said chapter be amended by inserting between the words "such" and "guards" in line two the word "foreman."
- Statements of disbursements.      SEC. 5. That section sixteen of said chapter be and the same is hereby repealed and the following inserted in lieu thereof: "That all able-bodied male persons in the county of Granville between the ages of eighteen and forty-five years, except residents of incorporated towns, and such persons as are now, or may hereafter be exempted by the General Assembly, or the board of county commissioners, shall work on the public roads of said county for four days, of nine hours each, in each and every year, at such times and places, and in such manner as may be designated by the county road engineer and county commissioners: *Provided*, that each person who is subject to road duty shall be given at least two 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 a washout or other unexpected obstruction to travel the two days notice shall not be necessary and any person liable to road duty on the section in which such obstruction to travel may occur, shall, upon being properly notified by the road engineer or overseer, respond to such notice with reasonable promptness for the purpose of doing whatever work may be necessary to repair the road: *Provided, further*, that any person may, in lieu of working four days on the public roads, pay on or before the first day of April of each year to the county treasurer or road engineer the sum of two dollars, and upon payment of said money or any part thereof, it shall be the duty of the treasurer or road engineer to issue to such per-
- Superintendent of roads.
- Appointment.
- Road duty.
- Proviso: warning.
- Proviso: emergency work.
- Proviso: commutation.

son a receipt for same, stating therein the amount and the year for which the same was paid. All moneys paid under this provision shall be promptly turned over to the county treasurer and by him credited to the road fund of the county, to be expended in the township in which the party paying the money may reside: *Provided, further,* that no person liable to road duty under this section shall be required to work on the public roads more than four miles from his place of residence: and *Provided, further,* that any person coming of road age or becoming a resident of any township or road district after the first of April shall be required to work out the remaining proportionate part of the road labor required by this section for that year, or to pay the proportionate part of the money required in lieu of such work.

Proviso: location of road duty.

Proviso: proportional work on change of residence.

SEC. 6. That section seventeen of said chapter be amended by striking out the word "three" in line three of said section and inserting in lieu thereof the word "two," and by striking out the word "superintendent" in line six of said section and inserting in lieu thereof the word "engineer."

Enforcement of road duty.

SEC. 7. That section eighteen of said chapter be and the same is hereby repealed, and in lieu thereof the following shall be inserted: "the board of county commissioners shall at their first meeting in each year divide the roads of the various townships into sections and appoint not exceeding four overseers for each township. Said commissioners shall cause to be prepared a book in which shall be kept a list of all the persons in the various townships liable to road duty, and shall allot the hands to said sections and designate the boundaries or points to which each person liable to road duty shall be required to work, and shall within five days after such meeting certify to the road engineer a list of the various hands and sections so assigned and said road engineer shall furnish to each overseer written notice of his appointment with a list of the hands that may be required to work under him, and said road engineer shall report to the board of county commissioners within thirty days as to whether he has furnished the said overseers the notice, together with list of hands, as herein required.

Overseers.

List of road hands.  
Allotment.

List to engineer.

Notice of appointment and lists to overseers.

Reports of engineer.

SEC. 8. That sections nineteen and twenty of said chapter shall be and they are hereby repealed.

Supervisors.

SEC. 9. That section twenty-one of said chapter be amended as follows: By striking out in line one of said section the words "supervisor or," and in lines three and four the words "supervisor or," and by striking out in line seven the words "supervisors and."

Supervisors.

SEC. 10. That section twenty-two of said chapter be amended as follows: By striking out in line one the word "appointed" and inserting in lieu thereof the following: "compelled to accept the position of," and by striking out in line five the word "supervisors" and insert in lieu thereof the words "road engineer," and by striking

Appointment of overseer.

Supervisors. out in line seven the word "supervisor" and insert in lieu thereof the words "county commissioners."

SEC. 11. That section twenty-three of said chapter be and the same is hereby repealed and the following inserted in lieu thereof:

Road work. "That every section of roads designated by the county commissioners under the provisions of this act shall be worked not less than four days in each year, at such times as may be appointed by the road engineer and county commissioners, and every overseer shall, on the first Monday in November of each and every year, make a written report to the road engineer of the condition of the section of road to which he may have been assigned, of the number of days worked on each section during the year, of the number and names of the hands who attended and worked each day, of the number and names of the hands who failed to attend and work, whether or not they were legally notified, and whether or not they paid the sum of two dollars as provided in this act, his said report shall be subscribed and sworn to before some person authorized by law to administer oaths. If it shall appear from said report that any hand, after being legally notified, has failed to attend and work on said road, and has not paid the two dollars as provided in this act, then it shall be the duty of said road engineer to have a warrant issued against such hand and have him tried for the offense: *Provided*, that nothing herein contained shall prevent the overseer of any road, or any other person of the county, from prosecuting at any time after the offense has been committed any hand for failure to work on the public roads, and if any hand has been prosecuting for failing to work on the public roads each overseer shall report this fact to the road engineer, so that the road engineer may not prefer another prosecution for the same offense.

Engineer to prosecute delinquents. *Provided*, that nothing herein contained shall prevent the overseer of any road, or any other person of the county, from prosecuting at any time after the offense has been committed any hand for failure to work on the public roads, and if any hand has been prosecuting for failing to work on the public roads each overseer shall report this fact to the road engineer, so that the road engineer may not prefer another prosecution for the same offense.

Proviso: prosecutions by overseer.

Supervisors. SEC. 12. That section twenty-four of said chapter be amended as follows: By striking out in lines one and two the words "supervisors of his township" and inserting in lieu thereof the words "road engineer," and by striking out in line two the word "direct" and inserting in lieu thereof the word "directs," and by striking out in line five the word "supervisors" and inserting in lieu thereof the words "road engineer."

Pay of overseers. SEC. 13. That section twenty-five of said chapter be and the same is hereby repealed and the following inserted in lieu thereof: "That every overseer shall be paid out of the road fund the sum of one dollar for each day he is actually engaged in working on the various sections of the public roads to which he is assigned."

Superintendent. SEC. 14. That section twenty-seven of said chapter be amended by striking out in lines two and three the words "the county superintendent of roads," and by inserting between the words "roads" and "doing" in line eleven the following: "and to cut such trees outside

Protection of roads.

of the right-of-way as may shade the roadbed, except fruit trees and ornamental shade trees"; by striking out in line fifteen the word "superintendent" and inserting in lieu thereof the words "road Superintendent. engineer"; and by striking out all of said section after the word "and" at the end of line fifteen and inserting in lieu thereof the following: "It shall be unlawful for any person to obstruct any ditch or drain on the public roads in said county. Any person so Obstruction of drains a misdemeanor. offending shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and Punishment. it shall be the duty of the county road engineer to have a warrant Engineer to prosecute. issued by some justice of the peace in said county against any person guilty of said offense."

SEC. 15. That section twenty-eight of said chapter be amended by striking out in lines four and five the words "road superintendent or engineer," also by striking out the word "thirty" in line six and inserting in lieu thereof the word "ninety," and by striking out in line eleven the words "road superintendent or overseer." Payment for material.

SEC. 16. That section twenty-nine be amended by striking out in lines two and three the words "road superintendent or overseer of roads are" and inserting in lieu thereof the word "is," and by striking out in line five the word "their" and inserting in lieu thereof the word "his." Superintendent.

SEC. 17. That section thirty-five of said chapter shall be amended by striking out in line three the words "superintendent of roads" and inserting in lieu thereof the words "road engineer." Superintendent.

SEC. 18. That section thirty-six of said chapter be amended by inserting between the words "bridges" and "which" in line two the following: "and plantation crossings" and between the words "which" and "may" in the same line the following: "the county commissioners may find necessary," and by striking out of said line the words "may be necessary." Plantation crossings.

SEC. 19. That section thirty-eight of said chapter be amended by striking out in line three the word "and" between the words "construction" and "maintenance" and adding after the word "maintenance" and before the word "of" the word "protection," and by adding at the end of said section the following: "including the regulation of the width of tires on vehicles used for hauling logs, lumber either in the rough or dressed, and other heavy substances," and any person who shall violate such rules and regulations shall be guilty of a misdemeanor and be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Protection of roads. Width of tires.

SEC. 20. That this act shall be in force from and after its ratification. Misdemeanor. Punishment.

Ratified this the 4th day of March, 1911.

## CHAPTER 357.

## AN ACT TO ESTABLISH A HOME FOR WIDOWS OF CONFEDERATE SOLDIERS AND OTHER WORTHY WOMEN.

*The General Assembly of North Carolina do enact:*

Appropriation authorized.

SECTION 1. The county commissioners of Mecklenburg County are authorized and empowered in their discretion to appropriate the sum of twenty-five thousand (\$25,000) dollars or so much thereof as may be deemed necessary for establishing a home for aged women.

Amount.

Notes.

SEC. 2. The county commissioners of Mecklenburg County are authorized to issue notes bearing six per cent interest payable semi-annually, in such sum, and becoming due at such times as they deem best for the purpose of establishing such home.

Interest.

Execution and sale of notes.

SEC. 3. The chairman of the county commissioners and the secretary of said board shall sign said notes, and the chairman of the county commissioners shall sell said notes and turn over the sum realized to the board of trustees hereinafter provided for.

Election of trustees.

SEC. 4. The board of commissioners of Mecklenburg County shall elect a board of trustees to consist of nine persons, three men and six women, who shall have the sole management of the home for aged women, including the selection of a place in the city of Charlotte or county of Mecklenburg, the plans of the building, the erecting of the buildings, the furnishing of the buildings and grounds, and all other things in connection therewith.

Management and location.

Organization.

SEC. 5. The board of trustees shall elect one of their number president, and a suitable person secretary and treasurer, who may receive such compensation as the board of trustees deem just and proper, and the board of trustees may employ such help as may be needed, and also make all rules and regulations for the government of the home.

Compensation of secretary and treasurer.

Employment of help.

Rules and regulations.

Support.

SEC. 6. The county commissioners shall pay to the board of trustees such sums of money, from time to time, as may be necessary to support any widows of Confederate veterans who need help, and also such sums of money for the actual expense of the home as may be necessary.

Admission to home.

SEC. 7. The board of trustees by a majority vote may admit to the home any aged woman who is supported by a church, society, association, or person, no charge being made for a room.

Annual reports.

SEC. 8. The board of trustees shall make an annual report to the county commissioners in January of each year, said report to be accompanied by a report of their secretary and treasurer.

Removal or resignation of trustee.

SEC. 9. The county commissioners shall only remove a trustee for failure to take interest in this work, and if any trustee desires to resign, at least two months notice shall be given.

SEC. 10. If the land on which the home is built is donated, the deed must be made to Mecklenburg County in trust for the home, if the land is purchased, the deed must be made to Mecklenburg County.

SEC. 11. All bequests, gifts, and all donations to the home must be received and accounted for by the board of trustees.

SEC. 12. This act shall be in force from and after its ratification. Ratified this the 4th day of March, 1911.

### CHAPTER 358.

#### AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AND CONSTABLES AT NORTH COOLEEMEE, DAVIE COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS THERE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the deputy sheriff or deputy sheriffs in Davie County living and resident at North Cooleemee, in said county, or those appointed by the sheriff of Davie County for that section of said county in which North Cooleemee is situated, and the constable of Jerusalem township, in said county, 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 North Cooleemee, and on the premises of the O. C. Wall Company, in said county, and to arrest all offenders against the same, and to prevent as far as possible all injury to property in said village and on the above mentioned premises. Said deputy sheriff or deputy sheriffs and constable 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 so summoned shall refuse to assist the said deputy sheriff, or deputy sheriffs or constable are hereby required to report the name of such person to the proper authorities, to the end that he may be dealt with as the law directs. Said deputy sheriff or deputy sheriffs and constable shall have power to enter the enclosure and house of any person in the aforesaid village and in 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 to enter and arrest.

Duty, power and authority of deputy sheriffs and constable.

Power to summon posse.

Report of refusal to assist officer.

Entry on premises.

Posse.

Powers as policemen.

SEC. 2. Such deputy sheriff or deputy sheriffs and constable shall have the same power and authority in said village of North Cooleemee, and on said premises, as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Badges.

SEC. 3. Such deputy sheriff or deputy sheriffs and constable, when on duty, shall severally wear a metallic shield with the word "Police-man" inscribed thereon, and the said shield shall always be worn in plain view, except when employed as detectives.

Public drunkenness a misdemeanor.

SEC. 4. That every person found drunk on the streets or roads, or in any public place in said village of North Cooleemee, or in any public place on said premises within one-half ( $\frac{1}{2}$ ) of a mile of the O. C. Wall Company's brick store, or staggering along said streets or roads, shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than two nor more than ten dollars, or imprisoned not more than ten days.

Punishment.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 4th day of March, 1911.

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### CHAPTER 359.

#### AN ACT FOR THE PROTECTION OF GAME IN STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

Hunting on lands without permission.

SECTION 1. That it shall be unlawful for any person, without first having obtained permission of the owner, to hunt with gun or dogs on the lands of another. Revisal, section three thousand four hundred and eighty.

Fishing on land without permission.

SEC. 2. That it shall be unlawful for any person to fish or attempt to catch fish from streams upon the lands of another without permission of the owner thereof.

Hunting or fishing by nonresidents.

SEC. 3. That it shall be unlawful for any nonresident of Stanly County to hunt with dog or gun, or to fish in any manner upon the lands of another in Stanly County, without first having obtained written permission from the owner of said land.

Sale of game forbidden.

SEC. 4. That it shall be unlawful for any person to sell or offer for sale or have in his possession any quail, partridges, or other game birds or fowls which have been caught or killed in Stanly County during the closed season as now provided by law, that is, between the first day of February and the first day of December of any year.

Shipment or transportation forbidden.

SEC. 5. That it shall be unlawful to ship, carry or convey any birds, partridges or other game birds or fowls from the said county for sale or other purpose during either the open or closed season.

Misdemeanor.

SEC. 6. Any person, firm or corporation found guilty of violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each offense, or be imprisoned not more than thirty days.

Punishment.

SEC. 7. That this act shall apply only to the county of Stanly and the same shall not be construed to repeal any law or clauses of laws

Application and construction of act.

relative to the protection of game in Stanly County, except as the same are inconsistent with the provisions of this act.

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

Ratified this the 4th day of March, 1911.

### CHAPTER 360.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS OF HOKE COUNTY TO ISSUE BONDS TO BUILD COURT-HOUSE AND JAIL IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of building a court-house and jail in the county of Hoke, the board of commissioners of said county, when appointed or elected as provided by the statute is authorized and empowered to issue bonds of the county of Hoke bearing interest at the rate of not less than four per cent and not more than six per cent per annum and to an amount not exceeding fifty thousand dollars, of the denomination of one hundred, five hundred and one thousand dollars, respectively, at the discretion of said board of commissioners; and the said bonds shall be payable to the bearer not less than ten nor more than thirty years from date of issue, particular period to be fixed by the board of commissioners in its discretion at the time of sale of said bonds. Said bonds shall be payable at the office of the treasurer of the county of Hoke and shall have coupons attached representing interest of said bonds, which interest shall be payable semi-annually; and the said bonds and coupons shall be prepared under the direction and supervision of the said board of commissioners, and the said commissioners shall have power and authority to determine any other provisions relating to said bonds in its discretion, where the same is not in conflict with the provisions of this act. Said bonds issued under this act shall be exempt from all county and municipal taxation, and this fact shall appear upon the face of said bonds.

Bond issue authorized.  
Interest.  
Amount.  
Denomination.

Maturity.

Exemption from taxation.

SEC. 2. The said bonds when issued shall be signed by the chairman of the board of commissioners, countersigned by the clerk of the said board, and attested by the official seal of Hoke County; and upon the request of any holder of said bonds, the clerk of the board of commissioners of Hoke County is authorized and empowered to register the said bonds and make the same payable to the order of the registered holder only; and from the date of said registration, which shall be entered upon the face of the said bonds, they shall cease to be payable to the bearer.

Authentication.

Registration of bonds.

SEC. 3. That for the purpose of paying the accrued interest on said bonds, and to provide a sinking fund for the payment of the

Tax for interest and sinking fund.

principal when due, the board of commissioners of Hoke County shall levy and cause to be collected annually, as other taxes are levied and collected, a tax upon all real and personal property, rights and credits now or hereafter subject to taxation for general purposes, not exceeding five cents on each one hundred dollars worth of property, and upon each taxable poll a tax of not exceeding fifteen cents.

Tax rate.

Purchase of bonds. SEC. 4. That for the purpose of paying off any of said bonds with any money that may be on hand at any time belonging to the general funds of the county of Hoke, the commissioners may, in their discretion, purchase annually, after the lapse of one year from the date of issuance of said bonds, any amount of said bonds issued and outstanding at their par value, with accrued interest.

Record of bonds. SEC. 5. That the clerk of the board of commissioners of said county shall provide a record in his office in which shall be entered and kept the name of every purchaser of said bond and the numbers and amounts of the bonds purchased; and also a record of the bonds redeemed together with the date of their redemption; and the bonds and coupons when so redeemed shall be recorded as redeemed and across the face of said bonds and coupons the word "redeemed" shall be written and attested by county board of commissioners.

Advertisement for sale of bonds.

SEC. 6. That before selling the said bonds the said board of commissioners shall advertise the same for thirty days immediately preceding the days of sale at the court-house door and in one or more financial newspapers or journals published in the United States, giving the time and place when bids will be opened for the sale of said bonds, and the terms on which said bonds are issued: *Provided*, that the board of commissioners shall have the right in its discretion to reject any and all bids for said bonds.

Proviso: right to reject bids.

Application of proceeds.

SEC. 7. That the proceeds arising from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated for the purpose for which they are issued, as provided herein, and the board of commissioners shall cause the treasurer of Hoke County to open and keep separate accounts of said funds. And the said treasurer shall be liable officially as well as personally to all the requirements of the law now prescribed for other county funds, or which may hereafter be prescribed for the faithful keeping and disbursements of the said bonds. And the board of commissioners shall require the said treasurer to give bond for the faithful and honest performance of the duties of his office in respect to said funds, which bond shall be in an amount not less than the aggregate proceeds of the sale of said bonds issued under this act. The said treasurer shall receive in full compensation for his services in receiving, keeping and disbursing said funds one-half of one per cent in the amount of his disbursements, but shall receive no commission on receipts: *Provided, however*, that if the said treasurer shall determine to execute

Separate accounts.

Liability of treasurer.

Bond of treasurer.

Compensation of treasurer.

Proviso: premium on treasurer's bond.

the bond herein provided with corporate surety, as now authorized by law, then the board of commissioners shall, in addition to the commissions herein allowed, repay to the said treasurer the reasonable premiums which he may be required to pay for the execution of the said bonds, the amount to be paid out of the funds arising hereunder.

SEC. 8. That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other county taxes, and they shall in respect thereto be liable officially as well as personally to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and the bonds given by said officers for the collection of county taxes shall include the taxes levied hereunder.

Collection of taxes.

Liability of officers.

SEC. 9. That in order to provide for the safe keeping and investment of the funds arising from the taxes levied under this act over and above the amount necessary to pay interest on said bonds, the treasurer of the county of Hoke shall open upon his books, as county treasurer, an account known as building bonds sinking fund, and all amounts received by said treasurer from the taxes levied hereunder

Sinking fund account.

which may not be necessary for the payment of accrued and accruing interest on said bonds shall be credited to the building bonds sinking fund account, and shall be kept separate and distinct from all other county funds, for the purpose of paying the principal of said bonds at maturity; and the said treasurer is hereby authorized and directed to invest any amount belonging to said building bonds sinking fund, from time to time, in safe interest bearing securities, payable to said treasurer for the benefit of said sinking fund: *Provided*, that no investment of funds shall be made until the security therefor is approved by the board of commissioners of Hoke County, and also by the clerk of the superior court of Hoke County duly authorized in writing: and *Provided, further*, that preference be given in making said investment in the purchase, if possible, of the said bonds issued hereunder; and the treasurer shall be liable on his official bond for the faithful and honest performance of the duties imposed by this section.

Amounts credited to fund.

Investment of sinking funds.

Proviso: approval of investment.

Proviso: preference of investments.

SEC. 10. That nothing in this section (act) shall be construed to abridge, regulate or affect the power of the board of commissioners, which may already exist by law, to issue bonds or other evidence of indebtedness for the purpose of building the court-house and jail in said county, or other purpose, or to limit, regulate or in any manner effect such contracts as it may by lawful authority make, should the said board of commissioners determine, in its discretion, not to issue the said bonds provided for in this act and by authority thereof.

Construction of act.

SEC. 11. That this act shall go into effect from and after its ratification.

Ratified this the 4th day of March, 1911.

## CHAPTER 361.

AN ACT TO PREVENT SEINING IN CERTAIN PORTIONS OF  
CODDLE CREEK AND BIG COLD WATER CREEK IN THE  
COUNTY OF CABARRUS.

*The General Assembly of North Carolina do enact:*

Seining and  
netting forbidden.

Territory.

SECTION 1. That it shall be unlawful for any person or persons to seine for or net fish in the waters of Coddle Creek in Cabarrus County between a point where said creek empties into Rocky River and a point where the Concord and Poplar Tent road crosses said creek; and in the waters of Big Cold Water Creek between a point where said creek empties into Rocky River and the iron bridge over said creek on the public road leading from Concord to Mount Pleasant in said county.

Misdemeanor.

Punishment.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 4th day of March, 1911.

## CHAPTER 362.

AN ACT FOR THE PROTECTION OF GAME IN HAYWOOD  
COUNTY.

*The General Assembly of North Carolina do enact:*

Killing game  
forbidden.

Proviso: open  
season for feath-  
ered game.

Proviso: open  
season for squir-  
rels.

SECTION 1. That it shall be unlawful for any person or persons to hunt, kill or in any way destroy any quail, grouse, pheasant or wild turkey, squirrel or deer in the county of Haywood: *Provided*, that from December first to January 15th of each and every year shall be known as the open season for quail, grouse, pheasant, wild turkey and deer. During such time the above mentioned may be hunted and killed as hereinafter provided. And that from September first to February first shall be known as the open season for squirrel, during which time the same may be hunted as hereinafter provided.

Sale of game  
forbidden.

Hunting without  
permission of land-  
owner forbidden.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation to sell or offer for sale within the county of Haywood any quail, grouse, pheasant, wild turkey or deer, or the carcass of the same or any hide or antlers of any deer.

SEC. 3. That it shall be unlawful for any person or persons to hunt upon the premises of another without first having obtained the written consent of the owner of the property upon which he pro-

poses to hunt. And in no case shall one hunter be allowed to bag more than twenty birds, two pheasants or wild turkeys, or one deer in any one day. Limit of kill.

SEC. 4. That a license tax of five dollars per annum shall be paid by all persons hunting in said county who are not residents of said county, the said license tax to be paid to the sheriff of said county, and shall be paid into the school fund of said county. License tax on nonresidents. License tax to school fund.

SEC. 5. That all persons convicted of the violation of any section of this act shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than fifty dollars, or imprisoned in the discretion of the court for each and every day so hunting. One-half the fine so imposed shall be paid to the person or persons prosecuting such violations of this act. Misdemeanor. Punishment. One-half fine to informant.

SEC. 6. That all laws and clauses of laws in conflict with this act be and are hereby repealed.

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

Ratified this the 4th day of March, 1911.

#### CHAPTER 363.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SIXTY-NINE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO COTTON-WEIGHER FOR THE TOWN OF WILSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and sixty-nine (769) of the Public Laws of one thousand nine hundred and five be amended as follows:

(1) By striking out all that part of section three (3) beginning in the eleventh line of said section, following the word "cotton-weigher" and substituting in lieu thereof the following "against whom written complaint has been filed with the board of commissioners of the county of Wilson, by the supervisor of cotton scales for the town of Wilson, or any other person, shall be given five days notice, in writing by said board of commissioners, of the charge or charges preferred, and shall be required to appear before said board of commissioners and show cause why he should not be removed from office. If said cotton-weigher is proven and found, to the satisfaction of said board, or a majority thereof, guilty of fraud or unfairness in weighing cotton, or making unfair deductions from the weights; or, if said cotton-weigher be found, by a majority of said board, to be incompetent, inefficient, or habitually dilatory, remiss or discourteous in the performance of his said duties, he shall Removal for cause. Fraud or unfairness. Incompetence.

be peremptorily removed from office by said board of commissioners of the county of Wilson.

Election.

(2) That section six (6) of said act be amended by inserting the words "of the county of Wilson" after the word "commissioners" and before the word "are" in line one (1) of said section.

Ratified this the 4th day of March, 1911.

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#### CHAPTER 364.

AN ACT TO AMEND CHAPTER 516 OF THE PUBLIC LAWS OF 1909, IN REFERENCE TO THE GAME LAW OF VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That section 1 of chapter 516 of Public Laws of 1909 be amended by striking out in line 3 of said section the word "March" and insert in lieu thereof the word "February," and by striking out in said section in line three the word "fifteenth" and insert the word "first."

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 this the 4th day of March, 1911.

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#### CHAPTER 365.

AN ACT FOR THE BETTER PROTECTION OF STEEL BRIDGES ACROSS THE EAST AND WEST FORKS OF PIGEON RIVER IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

Placing or leaving  
timber for-  
bidden.

SECTION 1. That it shall be unlawful for any person, firm or corporation to place any timber in the Pigeon River above the town of Canton for the purpose of floating the same either by high or low tide, or leaving any tree laps, logs or other timbers within fifteen feet of either side of the banks of the said Pigeon River above the town of Canton.

Misdemeanor.  
Punishment.

SEC. 2. Any person or persons violating the provisions of section one of this act shall be held guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

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

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

Ratified this the 4th day of March, 1911.

## CHAPTER 366.

AN ACT TO REPEAL CHAPTER SIXTY-THREE OF THE PUBLIC LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND NINE, AND CHAPTER SEVEN HUNDRED AND FIFTY-THREE OF THE PUBLIC LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND NINE, RELATING TO AUTOMOBILES IN NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter sixty-three of the Public Laws of North Carolina of nineteen hundred and nine, be and the same are hereby repealed. Law repealed.

SEC. 2. That chapter seven hundred and fifty-three of the Public Laws of North Carolina of nineteen hundred and nine, be and the same are hereby repealed. Law repealed.

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

Ratified this the 4th day of March, 1911.

## CHAPTER 367.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO EMPLOY A COURT STENOGRAPHER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of New Hanover County be, and they are hereby authorized and empowered to employ an expert stenographer to report the proceedings and trial of cases in the superior court of New Hanover County, and to arrange for the compensation of such reporter in such amount and on such terms as they shall deem proper. Employment authorized. Compensation.

SEC. 2. That the said county commissioners of New Hanover County, and they are hereby authorized and empowered to levy as a part of the costs, a special tax upon all cases, civil and criminal, instituted or tried in said superior court, upon a basis and to such amount as to them seem proper for the re-imbusement of the said county. Tax fee.

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

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

Ratified this the 4th day of March, 1911.

## CHAPTER 368.

## AN ACT TO CREATE A POLICE COURT FOR THE TOWN OF CANTON, IN THE COUNTY OF HAYWOOD.

*The General Assembly of North Carolina do enact:*

- Special court established. SECTION 1. A special court for the trial of misdemeanors and to be designated as the "police court" for the town of Canton is hereby established.
- Court of record. SEC. 2. Said police court shall be a court of record and shall be presided over by a police justice who shall be a qualified voter of the town of Canton, and a person of good moral character and standing in said town, who shall hold his office for a term of two years and shall be eligible to re-election.
- Police justice.
- Election. SEC. 3. That said police justice shall be elected on Tuesday after the first Monday in May, one thousand nine hundred and eleven, by the qualified voters of the town of Canton, at the time and in like manner that other officers of said town are elected, and shall serve for a period of two years.
- Term of office.
- Fees of justice. SEC. 4. Said police justice shall receive, as compensation for his services, such fees as are allowed a justice of the peace under the laws of the State of North Carolina, and such other fees as may be prescribed from time to time by law.
- Sessions of court. SEC. 5. Said police court shall hold daily sessions in the town of Canton and daily shall begin at nine a. m., and continue until the business of said court is dispatched.
- Jurisdiction. SEC. 6. Said police court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the town of Canton, which are now or may hereafter be given to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all offenses and misdemeanors consisting of the violation of an ordinance or by-law of said town of Canton.
- Further jurisdiction. SEC. 7. Said police court shall, in addition to the jurisdiction conferred by section six of this act, have exclusive original jurisdiction of all other criminal offenses committed within the corporate limits of said town below the grade of felony as now defined by law, and all such offenses committed within the corporate limits of said town of Canton are hereby declared to be petty misdemeanors.
- Warrants. SEC. 8. Warrants may be issued by said police justice for any person or persons charged with the commission of any offense of which said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the superior court, and, upon such appeal, the trial in the superior court shall be *de novo*.
- Right of appeal.
- Trials. SEC. 9. All trials in said police court shall be upon warrant issued by said police court.
- Sentences. SEC. 10. Any person convicted in said police court of any of the

offenses mentioned in section seven of this act, shall be fined or imprisoned, or both fined and imprisoned, according to law. Every person convicted of an offense shall pay the costs of the prosecution. Costs.

SEC. 11. Whenever any person is convicted in said police court of any of the offenses mentioned in section seven of this act and the punishment imposed is imprisonment and costs, the police justice shall sentence the defendant to the county jail of Haywood County to be worked upon the county roads of Haywood County at the discretion of the board of commissioners of said county until such sentence has been complied with. Any person convicted of any other offense over which said police court has jurisdiction and not included in section seven, where the punishment is imprisonment and labor, shall be required to work on the streets of the town of Canton at the discretion of the board of commissioners thereof until the judgment of the court is complied with. Sentence to road work.

SEC. 12. Said police justice shall preside over said police court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, except in cases where he is legally incompetent to try the same, in which case the said case shall be, upon application of defendant, removed for trial to any justice of the peace of Beaverdam Township having jurisdiction to try the same. Such legal incompetency shall be considered to mean only such incompetency as would disqualify a judge of the superior court to try, under the same circumstances, a case pending in said last mentioned cause. Street work.

SEC. 13. The proceedings of said police court shall be the same as are now or may hereafter be prescribed by law for courts of justices of the peace, and in all cases there shall be the right of appeal on the part of the defendant adjudged guilty to the next term of the superior court. In all such cases of appeal the defendant shall be required to give bond with sufficient surety to insure the defendant's appearance at the next succeeding term of the superior court, and in default thereof said police justice shall commit such defendant to the common jail of Haywood County until such defendant shall give such bond or be otherwise discharged according to law. Removal of cases.

SEC. 14. Said court shall also have jurisdiction to try all actions for the recovery of any penalty imposed by the law of this act, or by any ordinance of said town or any act done within said town; and such penalty shall be sued for and recovered in the name of the town of Canton and, if incurred by a minor, shall be recovered from and in action against his parents or guardian, or, if he be an apprentice, against his master. From any judgment for such penalty imposed or allowed to be imposed by this act, or for the violation of any ordinance of said town, either party may appeal to the next term of the superior court of Haywood County in like manner and under the same rules and regulations as are prescribed for appeals from judgments of justices of the peace; and, in case the police Definition of incompetency.

Proceedings.

Right of appeal.

Bond on appeal.

Actions for recovery of penalties.

Right of appeal.

Cases where justice is disqualified.

justice shall be disabled, by reason of relationship, or otherwise incompetent to hear and determine such action, the same may be instituted and prosecuted in any court within said county which would, but for this act, have jurisdiction thereof under the same rules and regulations as if instituted and tried in said police justice's court where applicable. In all cases where judgment may be entered up against any person for fines or penalties according to laws and ordinances of said town as for criminal offenses, and the person or persons against whom the same are so adjudged, refuse, fail or are unable to pay said judgment, it shall be lawful for the police justice of such town to order or require such person or persons to work upon the streets as hereinbefore provided, until they have been otherwise discharged according to law.

Street work in discharge of penalties.

Penalties to use of town.

SEC. 15. All penalties hereinbefore provided to be recovered in the name of the town of Canton, shall belong and, upon collection, be paid to said town, and all judgments for the same shall belong to and be controlled by said town and be collected in the same manner as other judgments where moneys are collected and may be docketed in the superior court of this State in the same manner as is, by law, provided for the docketing of judgments, and, when so docketed, shall be and constitute liens in the same manner and to the same extent as other judgments so docketed.

Judgments docketed.

Issue of precepts.

SEC. 16. The police justice of said town may issue his precepts to the sheriff of said county of Haywood, or to any constable or policeman, or to any officer to whom a justice of the peace may direct his precepts.

Minute of precepts.

SEC. 17. The said police justice shall cause to be kept a faithful minute of the precepts issued by him and of all his judicial proceedings. Such precepts shall be executed by the sheriff of Haywood County, the constable of Beavertown Township or any of the police officers or policemen of said town of Canton. Such officers shall receive the same fees as those allowed in similar proceedings before justices of the peace.

Execution of precepts.

Fees of officers.

Vacancies.

SEC. 18. In case of a vacancy occurring in office of the police justice of said town for any cause, such vacancy shall be filled by the election of a police justice for the remainder of the term by the board of commissioners of said town.

Mayor to fill temporary vacancy.

SEC. 19. In case of the temporary absence of said police justice from the town, or any other temporary inability or disability on his part to perform the duties of his office, the same shall devolve upon and be performed by the mayor of said town, who is hereby created and appointed a substitute police justice for said town to act in case of such disability as aforesaid.

Town not liable for costs.

SEC. 20. In no case where a defendant in any criminal prosecution shall have appealed from the judgment of the police justice court of said town, shall said town be adjudged in said police court to pay the costs of such prosecution or any other part thereof, whether

upon such appeal such defendant shall be convicted or acquitted, and such judgment appealed from reversed or affirmed.

SEC. 21. That all laws and parts of laws in conflict with any of the provisions of this act be and the same is hereby repealed.

SEC. 22. This act shall be in effect from and after its ratification. Ratified this the 4th day of March, 1911.

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CHAPTER 369.

AN ACT TO AMEND CHAPTER 276 OF THE PUBLIC LAWS OF 1907, IN REFERENCE TO COLLECTING TAXES IN NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter two hundred and seventy-six of the Public Laws of North Carolina of one thousand nine hundred and seven, be amended by inserting a comma in the place of the period at the end of said section, and adding thereafter the words "except that he shall receive only three and one-half (3½) per centum of the amount thereof due to the State."

SEC. 2. That section five of said chapter be amended by substituting a comma in the place of the period at the end of said section, and adding thereafter the words "except that they shall receive only three and one-half (3½) per centum on the amount thereof due to the State." Commission on state taxes.

SEC. 3. That section six of said chapter be amended by striking out the words "two and one-half" in line eight and in line eleven, and inserting the words "one and one-half (1½)" in lieu thereof in each place. Commission on state taxes.

SEC. 4. That this act shall apply only to Northampton County. Commission of treasurer.

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

Ratified this the 4th day of March, 1911.

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CHAPTER 370.

AN ACT TO PROTECT SQUIRRELS, OPOSSUMS AND RABBITS IN FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dog or chase or kill any squirrel, opossum or rabbit in Forsyth County, from the first day of February to the first day of November of each and every year. Close season.

Misdemeanor.  
Punishment.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than thirty dollars or imprisoned not longer than thirty days.

Application of  
act.

SEC. 3. That this act shall apply to Forsyth County only.

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

Ratified this the 4th day of March, 1911.

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CHAPTER 371.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN JOHNSTON COUNTY, AND TO AUTHORIZE A SPECIAL TAX THEREFOR, AND TO ISSUE BONDS FOR SAID PURPOSE.

*The General Assembly of North Carolina do enact:*

Special road tax.

SECTION 1. That for the purpose of building, grading and improving the public roads and keeping the same in good order in Johnston County, the board of commissioners of said county shall have power, and it shall be their duty, if so authorized by the elections hereinafter provided for, to levy and assess each year at the time county taxes are levied and assessed upon all the taxable property, both real and personal, and corporate, of every kind and description in such township voting for the provisions of this act, and also upon each poll resident in such township, a tax of not more than thirty-three and one-third (33 1-3) cents on the one hundred dollars valuation of property, and one dollar upon each poll: *Provided*, that in the levy and assessment of said taxes the commissioners as aforesaid shall preserve the constitutional equation between the property and the poll.

Rate.

Proviso: constitutional  
equation.

Petition for  
election.

SEC. 2. That upon the petition of one-fifth of the qualified voters in any township in Johnston County, except Selma and Clayton townships, to which this act shall have no application whatever, the board of commissioners of said county are hereby authorized, empowered and directed to submit to the voters of said township, so petitioning, the question, "Shall there be levied in . . . . . Township (here give the name of such township) a special tax for road improvements in said township?" Said board of county commissioners shall call said election at the first regular or special meeting after the filing of the petition as aforesaid, and shall for thirty days immediately preceding such election give public notice thereof in some newspaper published in said county, and by notice posted at three or more public places in said township: *Provided*, that the certificate of the editor of said newspaper, setting forth the fact that said notice appeared in the paper published by him for thirty days

Question to be  
submitted.

Call for and  
notice of election.

Proviso: evidence  
of notice.

prior to said election, shall be *prima facie* evidence that notice of said election was given according to the above provision.

SEC. 3. For the purpose of further providing road funds in all of said townships, except Selma and Clayton townships, and for the purpose of improving the public roads, the road commissioners of each township are hereby authorized and fully empowered to issue bonds of the township of . . . . . (here name the township) in an amount not to exceed fifty thousand dollars, bearing interest at the rate of not exceeding six per centum per annum, of such denominations as the road commissioners of such township shall determine, to each and every of which bonds shall be attached coupons representing the interest on said bonds, which coupons shall be due and payable annually until the bonds shall mature; and the bonds so issued by the road commissioners of any township shall be consecutively numbered, and the coupons shall bear the number of the bond to which it is attached and shall declare the amount of interest which they represent and when due. The bonds shall run not exceeding thirty years, but it shall be optional with the road commissioners of any township to redeem or pay annually one-fifth of said bonds, beginning with the first number and taking them consecutively, after the expiration of ten years.

Bond issue authorized.

Amount.  
Interest.

Maturity.

SEC. 4. That the bonds of any township shall be issued over the signature of the chairman of such township and attested by the official seal of the road commissioners of such township, which they are hereby authorized to have: "The road commissioners of . . . . . Township, Johnston County, North Carolina." The said bonds shall also be attested by the secretary of such commission.

Authentication.

SEC. 5. That for the purpose of paying the interest on said bonds as they become due, and of providing a fund for the payment of said bonds at maturity, it shall be the duty of the board of commissioners of Johnston County to levy and cause to be collected, annually, as other taxes are levied and collected, a tax upon real and personal and mixed property, subject to taxation, not exceeding twenty-five cents on the one hundred dollars worth of property and not exceeding seventy-five cents on each poll.

Tax for interest and bonds.

Rate.

SEC. 6. The road commissioners of any township issuing bonds under the provisions of this act shall cause the clerk of such commission to keep a true and correct record in which shall be entered the name and post-office address of every purchaser of a bond, the number of the bond purchased and the amount received therefor, and they shall also cause their clerk to keep a record of all bonds redeemed, from whom purchased and the amount paid for its redemption; and all bonds when redeemed and recorded shall be destroyed by fire in the presence of the road commissioners of such township.

Records of bonds.

SEC. 7. That this act, and no part thereof, shall be in force in any township until it has first been submitted to the qualified voters of

Act not effective until approved by voters.

Election to be ordered on petition.	<p>such township, and then only upon having received a majority of such qualified voters, which may be submitted in the manner as follows: Upon a petition as set forth in section two of this act of one-fifth of the qualified voters of any township, other than Selma and Clayton townships in the said county of Johnston, the commissioners of said county shall call an election for the purpose of passing on two questions, or either of them, as such petitioners may request, as follows: (1) Shall this act apply to such township? (2) Shall bonds be issued? If the election shall be called to vote upon the question as to whether or not this act shall apply to such township, those who favor it shall vote a ballot printed thereon the words "For Roads," and those opposed to it shall vote a ballot printed thereon the words "Against Roads"; and if the question of bonds is submitted, those who favor bonds shall vote a ballot printed thereon the words "For Bonds" and those who oppose bonds shall vote a ballot printed thereon the words "Against Bonds." If a majority of the qualified registered voters of any such township shall vote for the roads and do not vote for bonds, then all that part of this act not relating to bonds shall apply to such township, and all the existing acts or laws relating to the public roads of such township shall cease to be in force in such township in so far as the provisions thereof shall conflict with this act. If a majority of the qualified registered voters of any township shall vote for bonds and also for the act, then that part of this act providing for bonds shall be in force in such township and all laws or clauses of laws in conflict shall thereby be repealed.</p>
Question.	
Ballots.	
Effect of election.	
Appointment of road commissioners.	<p>SEC. 8. That if at the election held in any township under this act the provisions of the act shall be ratified by a majority of the qualified voters of such township, then it shall be the duty of the board of county commissioners of Johnston County, at their next meeting, to appoint three (3) discreet business men, residing in such township, as road commissioners, to be known as the board of road commissioners of . . . . . Township (here name the township); two of said members to be of the majority political party of said township, and one of the next highest minority party.</p>
Political affiliations.	
Defeat of act.	<p>SEC. 9. That if the act is defeated, then the law as it stood prior to said election shall remain in force, and this act shall have no force or effect.</p>
Polling places.	<p>SEC. 10. That the elections provided for in this act shall be held and conducted at the polling places established in such townships as avail themselves of the provisions hereof in the manner and under the same rules and regulations now prescribed for the election of members of the General Assembly under the general laws of North Carolina: <i>Provided, however,</i> said board of county commissioners shall appoint the registrar or registrars and judges of election and all other officers necessary to said election, and the registration books of said township holding such election shall be delivered by</p>
Law governing elections.	
Proviso: election officers.	

the register of deeds of said county to the registrar appointed under this act as soon after the appointment as practicable, and said registrars shall register all duly qualified voters who may have become entitled to register and vote since the last election for county officers in said county; said votes shall be counted at the close of the polls and returned on the next Monday after said election to the clerk of the board of commissioners, and shall be recorded by said clerk in the minutes of said board and no other recording or declaration of the results of said election shall be necessary.

SEC. 11. The taxes collected under the provisions of this act shall be collected by the sheriff of said county as other taxes are collected, for which he shall receive such commissions as are allowed by law for the collection of other special taxes, and the same when so collected shall be by said sheriff paid over to the treasurer of the board of road commissioners of the several townships availing themselves of the enabling provisions of this act, and to that end the several township boards of road commissioners shall elect some competent elector of said township to be known and designated as treasurer of the road commissioners of . . . . . Township, who may be one of the said members of the road commissioners.

SEC. 12. That said township road commissioners, when organized by the election of one of their number as chairman and another as clerk and a treasurer as provided in section eleven, may and it shall be their duty to select some suitable and competent person as road supervisor of said township, and said township road supervisor shall hold office during the will and pleasure of the board of road commissioners and for his services he shall receive such compensation as may be fixed by said board, to be paid out of the road fund of said township.

SEC. 13. That said township board of road commissioners shall receive as compensation for their services the same mileage and per diem as is allowed members of the board of county commissioners to be paid out of the road fund belonging to the township for which they are appointed for every day actually engaged, not exceeding twelve days in any one year.

SEC. 14. Said township road commissioners may and it shall be their duty to locate, relocate, widen, grade or otherwise change and keep in good order any public road or any part of the same, or cause the same to be done by the road supervisor appointed as aforesaid, when, in their judgment, such location, relocation or change as aforesaid will prove advantageous to public travel, and they may employ a competent surveyor or engineer and other necessary labor to aid them in doing said work; and for the purpose of laying out, locating, relocating, widening, changing, opening up, constructing and working any public roads within their said township, the road supervisor shall have power and authority to employ all necessary labor, and, with the approval of the road commissioners,

Registration.

Count and return of votes.

Record.

Collection of taxes.

Commission.

Payment.

Election of treasurer.

Election of road supervisor.

Term and compensation.

Compensation of road commissioners

Powers of road commissioners.

Officers and laborers.

- Material and machinery. fix the compensation of the same, and with the approval of said road commissioners as aforesaid, said supervisor may buy all material and machinery found to be necessary for the working and improving of said roads, which amount shall be paid out of said road fund of such township.
- Control of roads. SEC. 15. That said road commissioners shall have entire control of their roads in such townships, and shall have power and authority to grade, work and maintain such roads in such manner as they may deem best, and for such purposes they shall have the right and they are duly authorized to straighten, open and discontinue any public road in their township, and for this purpose they shall have the right to go and enter upon the land of any person and to take such land, stone, earth, timbers or other material as may be necessary in their opinion to best improve such roads: *Provided*, they shall not take or injure the yard, garden, dwelling, barns, lot or shade trees of another: and *Provided, further*, that any such person shall have reasonable compensation for any damage he may sustain thereby.
- Entry on land for material. SEC. 16. That in all cases where the road commissioners can not agree with the owner of any lands, stone, or other material taken for the public use, then the road commissioners shall select one arbitrator and such owner shall select one arbitrator, to whom shall be referred the question of the amount that should be paid such owner; and if the two so chosen shall fail to agree, they shall select a third arbitrator, who shall act with them: *Provided*, that the owner shall have the right to appeal as in all other cases to the next term of the superior court of Johnston County by giving a bond in double the amount of his claim to secure the cost of the appeal.
- Proviso: limit of power.
- Proviso: reasonable compensation.
- Arbitration of damages.
- Proviso: right of appeal.
- Details of roads. SEC. 17. That the highways in said townships of the county of Johnston constructed or improved under this act shall not be less than twenty feet wide nor more than forty, and at least fourteen feet thereof shall, if deemed expedient and proper, be macadamized, or covered with gravel or suitable admixture of sand and clay, and all roads shall be as straight as practicable and properly graded.
- Convicts sentenced to road work. SEC. 18. That in the event of the ratification of this act by any township in said county of Johnston, except those two expressly excepted from the provisions of this act, all justices of the peace and mayors of towns in said townships so voting taxes or bonds, or either, when they impose judgment by sentence of imprisonment on any offender of the criminal law convicted in said courts, shall sentence said convicted person to work on the public roads of the township ratifying the provisions of this act, for such terms as they may adjudge subject to the limitation of their jurisdiction. And the said justices of the peace and mayors of such township are authorized to commit any person who shall have been convicted in their said courts and sentenced, to pay a fine or costs and who have failed or refused to do so, to work on the public roads of such town-

ship under the direction of the road supervisor, until at fair and reasonable wages, they shall have worked out such fines and costs, and the amount so paid on account of the provisions of this section shall be paid out of the treasury of the road fund of such township upon the warrant of the board of road commissioners to the committing mayor or justice of the peace. And any recorder or judge holding court in the county of Johnston, shall sentence all persons convicted of any violations 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 of the township or townships, ratifying this act: *Provided*, the offense of such convicted persons shall have been committed within the bounds of such township, or the convicted person shall at the time of such offense have been a resident of such township to which he is sentenced for road work hereunder.

SEC. 19. All laborers and other employees and all bills and accounts shall be paid by voucher drawn by order of the board of road commissioners, and countersigned by the chairman and clerk to said board, and when so drawn and countersigned shall be paid by the township treasurer of the road fund, and not otherwise. Vouchers.

SEC. 20. That any township voting bonds under the provisions of this act and the special tax herein authorized to be levied, except a sufficient amount to pay the interest on said bonds and the sum set apart for a sinking fund to pay the principal of said bonds, shall be used by the board of township road commissioners to purchase improved road machinery; to survey, lay out, grade, macadamize, sand clay or gravel, or otherwise permanently improve and maintain the public roads of said county, including guarding and maintaining a convict force as may from time to time be assigned to work on said roads, and to defray expenses in connection with said roads as provided in this act. Use of proceeds of bonds.

SEC. 21. That the bonds and coupons authorized by this act shall be exempt from county or municipal taxation or assessments, direct or indirect, general or special, whether for purposes of general revenue, or otherwise, and the interest thereon shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the taxable value of such shares. Exemption from taxation.

SEC. 22. It shall be lawful for all executors, administrators, guardians and fiduciaries generally to invest in said bonds. Bonds lawful investments.

SEC. 22. Nothing in this act shall impose upon the purchasers of said bonds any responsibility with reference to the disposition and use of the proceeds received from the sale of said bonds. Responsibility of purchasers.

SEC. 24. That in the call for the election herein provided for as to bonds, the board of commissioners of Johnston County shall deter- Call for election.

mine and fix the amount of bonds to be issued, following the recommendation of the board of road commissioners if such have already been elected, under the special road tax provisions of this act, the rate of interest they shall bear, the time and place when and where said bonds and interest coupons shall be payable in such township, and all other matters and things necessary and needful to the validity of said bonds or the election called.

Expense of election.

SEC. 25. The expense of the elections held under the provisions of this act shall be paid by the board of commissioners of Johnston County, to be chargeable to and paid by the township petitioning for such election.

Obligation of bonds.

SEC. 26. That in the event bonds are issued for and on behalf of any township in Johnston County under the provisions of this act, the same shall be an obligation of and a lien on the property of such township issuing such bonds.

Bonds not sold below par.

SEC. 27. 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 par value, nor shall the proceeds therefrom be used for any purpose than those mentioned in this act.

Specific appropriation of proceeds.

Term of road commissioners.

SEC. 28. That the term of office of the board of township road commissioners first elected under the provisions of this act shall run to December the first next following the first general election for county officers, and thereafter the terms shall be for two years, and their successors shall be elected by board of county commissioners as provided in section eight of this act. Any vacancies in said board for any unexpired term shall be filled by the remaining members of the board: *Provided*, that appointees for unexpired terms shall be of the same political faith of their predecessors.

Election of successors. Vacancies.

Proviso: political faith.

Bond of sheriff and treasurer.

SEC. 29. That the sheriff of Johnston County shall, in addition to other bonds required of him by law, give bond for the road funds which may be collected by him under the provisions of this act, in such penalty as the board of county commissioners may prescribe: and likewise the township treasurer of the road funds shall give suitable bond, as required by the township road commissioners, for the faithful performance of his duties as defined in this act. All the officers provided for by this act shall, before entering upon the discharge of their several duties, make and subscribe oaths to faithfully and diligently perform their several duties. All officers provided for by this act shall, except as hereinbefore provided, receive such compensation as may be fixed by the board of road commissioners of any township ratifying this act: *Provided*, that no commissioner, supervisor or treasurer under this act shall by reason of such office or position be debarred from holding any other office of trust or profit under the constitution of the State.

Officers to qualify.

Compensation of officers.

Proviso: offices not a bar to other offices.

Publication of annual statements.

SEC. 30. That in any township in which this act or any part thereof is made applicable by a vote as hereinbefore provided, the road commissioners shall annually publish in a newspaper in said

township, or at three public places, an itemized, sworn statement of all receipts and disbursements provided for by this act, and failure to do so shall constitute a misdemeanor, and subject them to punishment by fine or imprisonment, or both, in the discretion of the court.

Failure a misdemeanor.

Punishment.

SEC. 31. That in the event any township in Johnston County shall ratify the provisions of this act in whole or part, all laws and clauses of laws theretofore in force concerning the working of the roads of such township shall *ipso facto* become null and void, and repealed in so far as the same may be in conflict with this act, and thereafter the roads of such township shall be supervised, worked, improved and maintained by the board of road commissioners raised and provided for by this act.

Laws repealed on approval of this act.

SEC. 32. That this act shall in no wise interfere with, repeal, modify or change any of the road laws now in force in Selma Township, or Clayton Township, nor shall the same contravene, repeal, modify or affect in any manner the road laws of said Selma and Clayton townships, whether in force at the time of the ratification of this act, or may be ratified and adopted for such townships during the present session of the General Assembly in relation to the roads of such townships, it being expressly intended that the provisions of this act shall not directly or indirectly, or by inference of any construction of law, be applicable to said two townships excepted from this act and the road laws of said townships whether enacted or amended by this General Assembly, or at some prior session of the same, shall be and remain the road laws of such townships, wholly independent of and apart from any of the provisions of this chapter.

Laws not affected.

SEC. 33. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

### CHAPTER 372.

#### AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF WATAUGA COUNTY TO ESTABLISH A PERMANENT LOAN FUND FOR THE BUILDING AND IMPROVEMENT OF SCHOOLHOUSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The county board of education of Watauga County is hereby authorized and empowered to set apart as a permanent loan fund for the building and improvement of schoolhouses all moneys arising from fines, forfeitures and penalties, in any instance amounting to more than one hundred dollars, now in the hands of the county treasurer of said county belonging to the public school fund of the county.

Permanent loan fund.

SEC. 2. Loans made under the provisions of this chapter shall be

Interest on loans.

Execution and  
deposit of notes.

Payment by  
installments.

Lien of loans.

Appropriation for  
payment.

Deposit of fund.

Interest on  
deposits.

payable in ten installments, shall bear interest at four per centum payable annually, and shall be evidenced by the note of the school committee of the district for which any loan may be made, executed by the chairman and secretary of said committee, and deposited with the county board of education of said county. The first installment of such loan, together with the interest on the whole amount then due, shall be paid by the said school committee on the first Monday of January after the first Monday of July subsequent to making of such loan, and the remaining installments, together with the interest, shall be paid one each year on the first Monday of January of each subsequent year until all shall have been paid.

SEC. 3. Any amount loaned under the provisions of this act shall be a lien upon the total public school funds of the district receiving a loan; and the county board of education at the July meeting before any installment shall be due on the following first Monday of January shall set apart out of the school funds due any district receiving a loan under the provisions of this act, an amount sufficient to pay such installment and interest to be due, which amount so set apart shall not be subject to the order of said committee except for the specific purpose of paying the installment and interest to be due. The county superintendent shall not have authority to countersign any order of the school committee of such district for the disbursement of this amount so set apart except for the purpose of paying the installment and interest.

SEC. 4. The county board of education shall have authority to keep on deposit in one or more banks of their selection all or any part of this fund that may remain on hand not loaned, at a rate of interest not less than four per centum per annum, and all interest arising therefrom and for all loans shall become a part of this permanent loan fund.

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

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 373.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Election within one  
year.

SECTION 1. That the board of commissioners of Montgomery County be and it is hereby authorized, empowered and directed to

submit to the vote of the qualified voters of Montgomery County at an election to be held in said county within one year after the ratification of this act, the question as to whether or not the county of Montgomery shall issue and sell the bonds of said county in the sum of one hundred thousand dollars, with interest coupons attached, as hereinafter provided, the proceeds of which to be used for the purpose of repairing, grading, making, improving and macadamizing the public roads of said county, as hereinafter provided, and levy the tax hereinafter provided for the purpose of paying the principal and interest on said bonds when the same shall become due and payable.

Amount to be voted on.

Use of proceeds.

SEC. 2. That the election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that the said board of county commissioners shall appoint the registrars of election and judges of election, and any other election officers: and *Further provided,* that there shall be a new registration of electors for said election. Registration and challenge of voters shall be conducted in the same manner as is now provided, or may hereafter be provided, for the election of members of the General Assembly. The vote shall be counted at the close of the polls and the results returned in writing by the said election officers to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners at the first meeting held by them thereafter shall tabulate, canvass 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.

Law governing election.

Proviso: election officers.

Proviso: new registration.

Registration and challenges.

Count and return of votes.

Canvass of returns.

Record.

SEC. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed upon them "For Good Roads" or "Against Good Roads," and all qualified electors who favor the issuing of said bonds for the purpose aforesaid, and the levy of said tax, shall vote "For Good Roads," and all qualified electors opposing the issuing of said bonds, and the levy of said tax as herein provided, shall vote "Against Good Roads."

Ballots.

SEC. 4. In the event that the requisite majority of the qualified electors of said county shall at said election vote "For Good Roads" the result shall be declared and recorded as aforesaid and the board of commissioners of Montgomery County shall thereupon be authorized, empowered and directed to issue and sell coupon bonds of said county, payable to bearer, to the amount of one hundred thousand dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of said bonds at a rate not to exceed (6) six per cent per annum, and payable semi-annually on the first day of January and July of each year until said bonds are paid, both principal and interest payable

Bond issue.

Amount.

Denominations.

Interest.

- Maturity. of said bonds to mature and become payable not sooner than thirty or more than fifty years from the date of said bonds, the date of said bonds to be fixed by the board of commissioners of Montgomery County: *Provided*, that the said board of commissioners may fix one date for fifty thousand dollars of said bonds to be designated as Series A, and another date for the other fifty thousand dollars of said bonds to be designated as Series B, and issue and sell the same at different times, as herein provided. The said bonds shall be signed by the chairman of the board of commissioners of said county, and shall be countersigned by the clerk of said board and shall have affixed thereto the seal of the office of the register of deeds of said county. The said bonds shall be numbered consecutively and the interest coupons attached shall be identified by numbers corresponding to the bond to which they are attached, and shall have such other evidence of identity as said board of commissioners may prescribe, and shall be signed by the chairman of said board of commissioners, or shall have his lithographed signature thereon.
- Proviso: bonds due in series.
- Authentication. SEC. 5. No bond issue under the provisions of this act shall be sold, or otherwise disposed of, for less than par value.
- Bonds not to be sold below par.
- Record of bonds. SEC. 6. The said clerk of the board of commissioners shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond, and the name of the person or persons to whom sold. He shall also keep an accurate account of the coupons and bonds which shall be paid, taken up, or otherwise canceled, so that by an inspection of said book the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall, at all reasonable times, be open to any taxpayer in the county.
- Registration of bonds. SEC. 7. That said bonds, at the option of the holder or holders thereof, shall be registered by the clerk of the board of county commissioners of said county, and after such registration shall be transferable only by endorsement.
- Sale of bonds. SEC. 8. The said board of commissioners of Montgomery County shall make sale of said bonds by inviting bids therefor after such advertisement as the board may deem advisable. Said bids may be for the whole amount of said issue offered for sale, or any part thereof, and shall be sealed and deposited with the chairman of the board of county commissioners and by him safely kept unopened until the date fixed in the advertisement for the consideration thereof, when the same shall be opened in the presence of such citizens of the county as may desire to attend, and the said commissioners shall proceed to award and allot to said purchasers, or any one of them, as many of said bonds as they may then desire to dispose of: *Provided, however*, that the said board of commissioners may reject any or all of said bids in their discretion.
- Proviso: power to reject all bids.

SEC. 9. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated to the purposes for which they are issued, as provided herein; that the proceeds arising from the sale of said bonds shall be paid to the treasurer of Montgomery County, his official bond shall be liable for any misappropriation thereof, and the said board of commissioners of said county may require the treasurer of said county, before the receipt of said funds, to make, execute and deliver, as provided by law for his other official bonds, any additional bond that they may deem necessary to protect the county in the payment of said treasurer of said county to open and keep separate account of said funds. The said treasurer of Montgomery County shall not receive any pay for receiving said funds.

Application and appropriation of proceeds.

Proceeds paid to treasurer.

Liability and bond of treasurer.

Separate accounts.

No allowance to treasurer.

SEC. 10. That in order to pay the interest on said bonds as it may accrue, and provide a sinking fund to pay principal of said bonds at maturity, the said board of commissioners of said county are hereby authorized, empowered and directed to levy a special tax annually on all taxable property and taxable polls in the county of Montgomery not exceeding twenty cents on every one hundred dollars worth of taxable property, and sixty cents on each taxable poll in said county. The said taxes shall be levied and collected and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of this State, and said taxes shall be collected by the officers of said county charged with the collection of other taxes, who shall in respect thereto be liable officially as well as personally to all the requirements of law now prescribed, or which may hereafter be prescribed for the faithful collection and the payment of other taxes. For which service he shall receive the sum of 2½ (two and one-half) per centum of such sum collected. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The said board of county commissioners shall manage and invest the said funds in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however,* that said board of county commissioners may, in their discretion, from time to time, use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

Tax for interest and sinking fund.

Tax rate.

Levy and collection of tax.

Commission of sheriff.  
Sinking fund.

Management and investment.

Proviso: purchase of bonds.

SEC. 11. That in the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads" at said election, the board of commissioners of Montgomery County are authorized and empowered to levy, for the purpose of maintaining and repairing said public roads in said county, and for paying any

Special road tax.

Tax rate.	expenses incident to the same, a special tax annually in addition to the levy authorized and directed for the purpose of paying the principal and interest of said bonds, on all taxable property and taxable polls in the county of Montgomery of not exceeding ten cents on every one hundred dollars worth of taxable property, and thirty cents on each taxable poll in said county. The said taxes shall be levied and collected and shall be imposed upon such property, polls, and other subjects of taxation as are now, or may hereafter be subject to taxation under the laws of this State, and said taxes shall be collected by the officers of said county charged with the collection of other county taxes, who shall in respect thereto be liable officially as well as personally to all the requirements of law now prescribed, or which may hereafter be prescribed, for the faithful collection and the payment of other taxes; for which service he shall receive the sum of 2½ (two and one-half) per centum of such sum collected.
Levy and collection.	
Commission for collection.	
First commissioners named.	SEC. 12. In the event that the requisite majority of the qualified electors of said county shall, at said election, vote "For Good Roads" the following: D. S. Hurley, J. G. Tomlinson, H. S. Poole, J. A. Gamble, Frank Page, shall constitute the first members of the board of five, to be known as "The Highway Commission of Montgomery County," who shall hold their offices until the first Monday in December after the next general election to be held for members of the General Assembly, and until their successors are appointed and qualify. On the said first Monday in December after said general election, and biennially on said date thereafter, the board of commissioners of Montgomery County shall elect five successors, who shall be residents and freeholders of said county; of whom not more than three shall belong to one political party, and shall hold their offices for two years from said date, and until their successors are elected and qualify. Any vacancies occurring in said commission at any time by death, resignation, or otherwise, shall be filled by the board of commissioners of said county: <i>Provided</i> , that at no time shall more than one resident of any township be a member of such highway commission. As soon as practical after said election the said members of said highway commission shall meet and elect one of their members chairman of said commission and one of their members secretary, and shall pass such rules and regulations for their government as they may deem best. They and their successors shall qualify by taking an oath before some person authorized to administer oaths to perform the duties of said office to the best of their skill and ability. The said highway commission shall be and constitute a body politic and corporate under the name of "The Highway Commission of Montgomery County," and under that name may sue and be sued, plead and be impleaded for all the purposes of this act.
Term of office.	
Election of successors.	
Political affiliation.	
Vacancies.	
Proviso: residence.	
Organization.	
Commissioners to qualify.	
Incorporation.	
Corporate name.	
Corporate powers.	

SEC. 13. Said highway commission shall, after their organization,

meet in regular session on the first Monday in every other month at the court-house of the county, and shall be authorized to hold any other meeting at the call of the chairman or two members of said commission. The members of said commission shall receive as compensation for their service the sum of two dollars a day for each day they shall be in attendance upon the meetings of said commission, and five cents a mile for the distance traveled to and from the court-house of the county to attend said sessions: *Provided*, that they shall receive no compensation for more than fifteen meetings in any one year. They shall keep a book in which shall be recorded all the proceedings of the commission, and the same shall be open to the inspection of the public at all reasonable times.

Regular meetings.  
Called meetings.  
Compensation of commissioners.  
Proviso: limit of pay.  
Record.  
Record open for inspection.

SEC. 14. At the said meeting of the said highway commission, or as soon thereafter as practical, and biennially thereafter, on the first Monday in December after each general election, said highway commission shall elect three persons in each township of Montgomery County who shall be residents and freeholders of their respective townships, and of whom not more than two shall belong to any one political party, as members of the board of road commissioners of their respective townships, and from time to time fill in vacancies that may occur in said board. The time of office of said members so elected, and their successors in office, shall be the same as that of the said highway commission. They shall meet not later than the first Monday in the month after their election and qualify by taking an oath before some officer authorized to administer oaths to faithfully and honestly perform the duties of their office to the best of their skill and ability. They shall organize by electing one of their members as chairman of the board and one of their members as secretary. They shall fix rules and regulations for their government and determine upon stated meetings of the board not less than once in every three months, and may meet in special session at the call of the chairman or two members of the board. They shall receive for their services the sum of one dollar per day, for each meeting: *Provided*, they shall not receive pay for more than twelve meetings in any one year. They shall keep an accurate account of all the proceedings of the board at each meeting thereof in suitable books provided for this purpose, which shall be open to the inspection of the public at all reasonable hours. Said township board of road commissioners shall be known and styled "The Board of Road Commissioners of . . . . . Township," the name of the township which the respective boards represent being inserted in the blank space.

Township road commissioners.  
Political affiliation.  
Vacancies.  
Terms.  
To meet and qualify.  
Organization.  
Rules and regulations.  
Meetings.  
Compensation.  
Proviso: limit.  
Records of proceedings.  
Name and style.

SEC. 15. Each township in Montgomery County shall, for the purposes of this act, be, and it is hereby declared to be a body politic and corporate by the name of each township respectively, and is vested with all the necessary powers prescribed by this act, and those necessarily implied by law, which shall be exercised by the board of

Townships incorporated.  
Corporate names.  
Corporate powers.

road commissioners of each township elected under the provisions of this act, or in pursuance of a resolution by them. The said board of road commissioners of each township, and their successors, are declared to be the corporate agents of their respective townships, and the said townships may sue and be sued in the name of the said respective townships for the purposes of this act, and may make contracts through their respective boards of road commissioners, purchase and hold property for the purposes of this act, and make such orders for the disposition or use of its property as the interests of the inhabitants may require. Process against said township may be served by leaving a copy with the chairman or secretary of the board of road commissioners of the township.

SEC. 16. That the board of road commissioners of each township in said county created by this act shall, as soon as practicable after their organization and biennially, at their first meeting in December after each election, elect a treasurer of their respective townships, who shall not be a member of said board, who shall hold office during the term of said respective boards, who shall qualify by taking an oath before some officer authorized to administer the same that he will faithfully and honestly discharge the duties of his office, as provided by law, to the best of his skill and ability, and before receiving any of the moneys provided by this act shall execute a bond payable to the State of North Carolina, with sufficient sureties, to be approved by the board of commissioners of Montgomery County, in a sum not less than the amount of funds that may come into his hands during his term of office, conditioned that he will collect, receive, account for, pay over and disburse the funds committed to his custody by the provisions of this act as herein and by law provided, and faithfully and honestly to perform the duties of his office, as prescribed by law, during his continuance therein. Said bond shall be recorded in the office of the register of deeds of said county and committed to the custody of the board of commissioners of said county, and suit may be brought thereon by the said board of commissioners of Montgomery County for any breach thereof or for any failure to discharge his duty as treasurer, as provided by this act. Said treasurer shall only disburse the funds coming into his hands and belonging to the road fund of the township of which he is treasurer upon written orders signed by the chairman of the board of road commissioners of his township and countersigned by the secretary thereof, which shall be the only sufficient voucher for the disbursement of said fund. Said treasurer shall render an itemized account of the receipts and disbursements of said road fund to the board of road commissioners of his township every three months, and said reports shall be examined and audited by the said board, and if approved shall be recorded in the office of the register of deeds of said county in a book of official reports. Said board shall, at the expiration of his office, examine

Corporate agents.

Service of process.

Election and term of treasurer.

Treasurer to qualify and give bond.

Orders on road funds.

Itemized statements rendered quarterly.

Audit and record of statements.

Final audit and settlement.

and audit the accounts of said treasurer and make a settlement in writing thereof showing the amount of the balance due to his successor in office, which shall be recorded in the office of the register of deeds in a book of official reports, and the said treasurer shall pay said balance to his successor, taking his receipt for the same, immediately after his bond shall have been approved, as herein provided. The respective treasurers of said townships shall receive as compensation for their services such sum as shall be fixed by the board of road commissioners of the said respective townships: *Provided*, the same shall not exceed one per cent of the total amount disbursed by him upon the orders of said board. The said treasurer may be removed by the board of road commissioners of his township for violations of the duties of his office, upon notice, or for failure to execute the bonds herein prescribed. For the services in this act prescribed, the register of deeds of Montgomery County shall receive as fees the sum of 10 cents (ten cents) per copy sheet, which shall be paid out of the road fund of the respective townships upon the order of the respective boards of road commissioners.

Compensation of treasurers.

Proviso: Limit.

Removal of treasurer.

Fees of register of deeds.

SEC. 17. That after each sale of the bonds by the board of commissioners of Montgomery County, as herein provided, the highway commission of Montgomery County shall ascertain the amount of money in the hands of the county treasurer arising from said sale and available for the purposes of making, repairing and improving the public roads of Montgomery County, as herein provided, and after reserving therefrom an amount sufficient for paying the expenses of laying out and surveying the public roads of the county, as herein provided, and paying the salary of the county road superintendent for twelve months, and the expenses of said commission for said time, the said sum not to exceed two thousand dollars, shall thereupon make an order appropriating the remainder of said funds to each township of Montgomery County to be expended upon the public roads of the county in said respective townships, as provided by this act, in accordance with the taxable calculation of property as listed for county taxation for the year one thousand nine hundred and eleven, giving to each township such portion of said road fund remaining after said reservation as the taxable property in said township, as aforesaid, sustains to the whole of the taxable property listed for county taxation for said year in said county. A copy of said order, certified by the secretary of the highway commission, shall be filed in the office of the register of deeds and by him at once recorded in a book of official reports, and said highway commission shall give notice by publication, in some newspaper published in the county, for at least one week, such order has been made and recorded as aforesaid. At the first meeting of the said highway commission held twenty days after the recording of said report and publication of said notice that said highway commission shall hear any objections made to said order by any township or any

Apportionment of funds.

Record of apportionment.

Notice by publication.

Hearing and final order.

citizen of the county, and hear any evidence and consider any records pertinent to the proper and correct distribution of said funds to the several townships of the county under the provisions of this act, and thereafter make a final order for the distribution of said funds to the public roads of the county in the several townships, as in this act provided, and certify the same, as aforesaid, to the register of deeds for record in like manner as the first order, and cause a copy thereof to be served on the county treasurer.

Payments to township treasurers.

Upon the service of said copy on the treasurer of said county it shall at once be his duty to pay over to the several treasurers of the respective townships of Montgomery County, created and provided by this act, who shall have qualified and given bond as herein provided, the sum therein ordered to be paid to the several townships, and take receipts for the same, and such receipts shall be sufficient and legal vouchers in the hands of said county treasurer for the disbursement of said funds; said county treasurer shall not receive any pay for disbursing said funds.

Control and management of roads.

SEC. 18. That it shall be the duty of the highway commission of Montgomery County to take entire control and management of all the public roads of Montgomery County, and the said highway commission shall have the power and it shall be their duty to determine what public roads shall be opened, built, improved, relocated or discontinued in the county of Montgomery, and shall have all the powers and authority conferred by this act or implied by law not herein granted to other officers on boards.

Selection of roads.

Orders for disbursements highway commission.

SEC. 19. The amount of money reserved by the highway commission of Montgomery County from the sale of the bonds provided by this act, as hereinbefore authorized and directed, together with all moneys collected by the levy of taxes for the maintenance of the public roads of the county, as provided by section eleven of this act, shall be disbursed by the treasurer of the county of Montgomery only upon the written orders of the highway commission of Montgomery County, signed by the chairman of said commission and countersigned by the secretary thereof.

Election and compensation of county superintendent.

SEC. 20. The said highway commission of Montgomery County shall, after sale of the first installment of bonds provided by this act, elect a county superintendent of roads, who shall be an expert road engineer, who shall be paid such compensation as may be fixed by said highway commission and be paid out of the county road fund reserved by the highway commission from the sale of said bonds, as hereinbefore authorized, who shall hold his office for such time as may be designated in the contract with said highway commission not to exceed the term of office of the said commission, who may be removed by said highway commission for cause or for failure to discharge the duties of his office. The said highway commission of said county shall, before proceeding to work and improve the public roads of said county as in this act provided, cause said super-

Term of office.

Subject to removal.

intendent to lay out and where necessary survey the roads first proposed to be built and improved in the county under the provisions of this act, and make a map or maps of said roads first proposed to be laid out, built and improved and file the same with said highway commission. In laying out and surveying the roads of the county for the purposes aforesaid said superintendent shall, in so far as is practicable, lay out the public roads in the several townships so as to connect with other roads in the other townships that will be to the greatest convenience of the inhabitants of the county and of the various townships. After the roads shall have been laid out and surveyed as hereinbefore provided, and maps thereof filed with the highway commission, the said commission shall give ten days notice thereof in some newspaper published in the county and fix a time in said notice for the hearing of any objections to the location and survey of said roads by said superintendent, at which time any citizen of the county may appear before said commission and object to the location of any road as laid out and surveyed by said superintendent, and the said commission shall thereupon either approve of the location and survey made by said superintendent or order any changes in said location and survey that the commission may determine upon, but the decision of the said highway commission after said hearing shall be final as to the location of said roads: *Provided*, that when the public roads have been located and surveyed as herein provided in any one township the said highway commission may, in its discretion, publish the notice aforesaid and finally determine the location of the public roads in such township before taking up the matter of the permanent location of the public roads in other townships.

Surveys and maps.

System of surveys.

Notice for hearing on location.

Proviso: location by townships.

SEC. 21. It shall be the duty of said superintendent of roads, subject to the approval of the highway commission of said county, to supervise, direct and have charge of the maintenance and building of all public roads in the county, and shall submit to said highway commission a monthly report concerning the work in progress, and shall submit a quarterly report on the condition of the public roads, and bridges and plans for their improvement, and he shall include in this quarterly report an inventory of all tools, implements, teams and other equipment on hand. Said superintendent, before entering upon the duties of his office, shall deposit with the highway commission a good and lawful bond, to be approved by said commission, in a sum to be fixed by said commission, 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 therein.

Duty of superintendent.

Reports.

Inventories.

Bond of superintendent.

SEC. 22. That, for the purpose of carrying out the provisions of this act, the said superintendent and said highway commission are hereby authorized to enter upon any lands near to or adjoining such roads to cut and carry away timber, except trees or groves upon

Entry on land for material.

improved lands planted or left for ornament or shade, to conduct, or cause to be conducted and carried away any gravel, sand, clay or stone which may be necessary to construct, improve and repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches over the same as he may deem necessary for the betterment of the road, doing as little injury to said lands or the timber or improvements thereon as the nature of the case of the public good will permit, and the drains and the ditches so made shall be conducted to the owner's ditch, water-course, or waste ground and shall be kept open by said superintendent, or other person or officers working under his supervision, and shall not be obstructed by the owner or occupant of such lands, or any other person or persons, under the penalty of imprisonment or work on the public roads of the county for not less than ten days nor exceeding twenty days for each and every offense. 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 at any regular meeting of the board of road commissioners of the township in which said timber, stone, gravel, sand or clay were taken within sixty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said board of road commissioners to pay for the same a fair price out of the road funds in the hands of the treasurer of their township and before deciding upon this they may cause to be appointed an impartial jury of three freeholders of said township, 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 highway commission of the county for revision or confirmation, and the decisions of said highway commission of the county shall be transmitted to the board of road commissioners of said township and shall be final, and shall be paid by the board of road commissioners of said township, as hereinbefore provided: *Provided*, that the said landowner, or his agent, shall have the right of appeal from the decision of said county highway commission in the same manner as is hereafter provided for appeals in proceedings for condemnation of land for said public roads.

SEc. 23. That, subject to the approval of the highway commission of said county, the county superintendent of roads is hereby given discretionary power, subject to the provisions of this act, to locate, re-locate or change any part of any public road where in his judgment such location, re-location or change will prove advantageous to the public travel: *Provided*, such change shall not substantially vary from the original location provided by this act as contained and designated on the maps hereinbefore provided for; that when any person or persons on whose lands the new road, or part of the road, is to be located by any of the provisions of this

Drains or ditches.

Penalty for obstruction.

Accounts for material.

Payment.

Assessment of amount.

Proviso: right of appeal.

Powers of superintendent.

Proviso: limit of change.

Assessment of damages.

act, claims damages therefor and within sixty days petitions the board of road commissioners of the township in which said road is situate, and before deciding upon this they may cause to be appointed impartial jury of three freeholders of said township, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, and they shall also take into consideration the benefits of public travel 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:

*Provided, further,* that said board of road commissioners of said township shall have power and authority to pay said damages out of the road funds of said township when a claim therefor is duly presented in writing, if said board is able to agree upon the amount of such damages with said landowner. Proviso: payment of damages.

SEC. 24. That in case the said landowner, or his representative shall be dissatisfied with the findings of the jury provided for in this act and with the decision of the board of road commissioners of said township, such dissatisfied party may appeal from the decision of said board to the superior court of the county, all such appeals being governed by the law regulating appeals from the courts of the justices of the peace, and the same shall be heard *de novo*, but the judge may, in his discretion, require said landowner to give bond for costs when the case is taken by appeal to the superior court. Right of appeal.

SEC. 25. The board of road commissioners of each township in said county shall have, through such agents as said board may appoint, full charge of the building, repairing, grading and macadamizing of the public roads situate within said township after their location as provided by this act, but such work shall be done under the general supervision and in accordance with the directions of the county superintendent of roads. For said purpose the said road commissioners of each township shall have authority to appoint a township road supervisor who shall have charge, subject to the directions of the county superintendent of all the hands employed upon the working of said public roads in said township, and generally to superintend the building and repairing of said roads, and the purchase of such machinery and tools as may be necessary, or the said board of road commissioners may, under the direction or said county superintendent, let out the building of the public roads in said township, or any part thereof, by contract, but the said board of road commissioners shall proceed with the building, repairing, grading and macadamizing of the said public roads in their respective townships in accordance with the direction of said county superintendent of roads and the highway commission of said county. Powers of township boards.  
Township supervisors.  
Powers and duties.

SEC. 26. The said board of road commissioners of each township shall, from time to time as the same may become due, issue Orders on township funds.

written orders on the treasurer of the township, signed by the chairman of the board, and countersigned by its secretary, for the payment of the expenses of building and repairing roads in their townships, and for the purchase of such machinery and other tools as may from time to time become necessary. A complete itemized account of all orders issued and funds expended shall be kept by said board and an itemized report thereof made quarterly to the highway commission of Montgomery County. The orders or vouchers so issued by said board of road commissioners of said township shall be honored and paid by said township treasurer and shall be the only sufficient vouchers in his hands for the disbursement of said fund.

Itemized accounts.

Quarterly reports.

Vouchers.

Further powers of highway commission.

SEC. 27. The highway commission of Montgomery County shall have power and authority to make all necessary rules and regulations for the proper expenditure of the moneys provided by this act from time to time upon the public roads of said county, as in this act provided, and in any case adequate machinery is not provided for said expenditure, or where sufficient power is not granted for that purpose to any other officer or person, such power shall be vested in said highway commission and they shall have full power and authority to make all necessary regulations and rules for the carrying out of the purposes of this act.

Consideration of convict work.

Orders for working convicts.

SEC. 28. The highway commission of said county may, in its discretion, at any time determine whether it is to the best interests of the inhabitants of the county to work convicts upon the public roads of said county, as provided by law. If at any time the said highway commission shall determine that it is to the best interest of the county to work convicts upon the public roads of said county they shall make an order to that effect which shall be recorded in the minutes of said highway commission, and thereupon the provisions of sections eight and nine of chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine shall be applicable to Montgomery County and shall become part of this act, and upon application of the highway commission of said county to the judges of the superior court and criminal courts, as provided in section nine of this act, the said judges shall sentence the prisoners referred to in said section for work upon the public roads of Montgomery County.

Convicts to be sentenced to roads.

Bridges.

SEC. 29. That nothing in this act shall be construed to release the board of commissioners of Montgomery County from the duty of building and maintaining all bridges on the public roads of said county, as is now provided by law.

Effect of act on former laws.

SEC. 30. That none of the provisions of this act shall operate to repeal any of the provisions of chapter three hundred and five of Public Laws of one thousand nine hundred and nine, until this act has been ratified by a majority of the qualified voters of Montgomery County as herein provided: *Provided*, upon such ratifica-

tion by a majority of the qualified voters of Montgomery County, said chapter three hundred and five of the Public Laws of one thousand nine hundred and nine is hereby repealed.

SEC. 31. That all laws and clauses of law in conflict with this act are hereby repealed.

SEC. 32. That this act shall be in force from and after is ratification.

Ratified this the 4th day of March, 1911.

### CHAPTER 374.

#### AN ACT TO ISSUE BONDS FOR THE PERMANENT IMPROVEMENT OF THE PUBLIC ROADS OF RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Randolph County be and it is hereby authorized, empowered and directed to submit to the vote of the qualified electors of Randolph County, on any date after the ratification of this act, and from time to time thereafter as in its discretion it may deem best, the question as to whether or not the county of Randolph shall issue bonds in sums not to exceed three hundred thousand dollars, in the aggregate, with interest coupons attached, and levy special taxes to pay the bonds and interest thereon, the proceeds of which said bonds shall be used for the purpose of opening, grading, making, improving, macadamizing, constructing and repairing public roads in Randolph County. The said board of county commissioners shall, for at least thirty days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue bonds at the election so held, the said board of county commissioners may submit the question to the qualified voters of said county at any other time or times, under the provisions of this act.

County commissioners to call elections on bond issue.

Limit of amount.

Use of proceeds.

Notice of election.

Proviso: successive elections.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly, except as herein otherwise provided. The board of county commissioners shall appoint the registrars, judges of election, and any other election officers; that the registration and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly. And the said county commissioners shall order a new registration for any and all of said elections. That at the said election or elections the ballots tendered and cast by the qualified voters

Law governing elections.

Election officers.

Registration and challenges.

New registration.

Ballots.	shall have written or printed upon them "For good roads" or "Against good roads," and all qualified electors who favor the issuing of said bonds shall vote "For good roads," and all qualified voters opposed to the issuing of said bonds shall vote "Against good roads." The votes shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election; and said board of county commissioners shall meet on said day, of which said meeting no order or notice shall be necessary, and tabulate and declare the result of the election; all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary. The members of the board shall be entitled to the usual compensation for attending said meeting. The said declaration of the result of said election as recorded in the minutes of the board, and also such findings as the said board of commissioners shall cause to be enrolled upon its minutes relative to the calling, notice, holding and returns of said election, which the said board is hereby authorized and directed to make after considering the facts, after sixty days from such entry shall not be open to attack, but the record shall be deemed conclusive evidence of the truth thereof; subject only to the determination of any suit which shall be instituted prior to the expiration of said time. The said new registration, required under this act shall apply only to the elections under the provisions of this act, and shall in no way affect the present registration for county and State officers; and, upon the conclusion of said election or elections, the officers of said election shall return the registration and poll books to the board of county commissioners to be filed in the office of the register of deeds for Randolph County. The fees to the registrars and other officers holding said election shall be one-half the fees allowed by the general election law.
Count and return of votes.	
Canvass.	
Record.	
Record conclusive evidence.	
Registration.	
Fees of election officers.	
Bond issue.	
Amount. Denominations. Interest.	
Maturity.	
Proviso: bonds not sold below par.	<i>Provided</i> , that none of said bonds shall be disposed of for less price than their par value and accrued interest. The said bonds shall be numbered and shall be signed by the chairman of the said board of county commissioners and attested by the clerk of said board with
Authentication.	

the corporate seal of the county of Randolph affixed thereto; and the coupons shall bear the engraved or lithographed signature of the chairman of the said board of county commissioners.

SEC. 4. At the first regular monthly meeting of the board of commissioners of Randolph County held after said election, the said board shall elect one elector from each township of said county to be known as the highway commission of Randolph County, whose term of office shall be for two years or until their successors in office are elected. And the said highway commission shall have power to fill all vacancies by death, resignation or otherwise, for any unexpired term. That said highway commission shall meet at the courthouse in Asheboro on the first Monday after their election and organize by electing one of their number chairman and another clerk, and all their proceedings shall be by said clerk recorded in a book to be provided for said purpose; the said clerk shall deliver said book to the secretary for the executive committee hereinafter provided for, who shall record the transactions of the latter named committee in the same book.

SEC. 5. At said first meeting of the highway commission it shall select five electors, residents of said county, as an executive committee to have charge of and look after the working of the said roads; that two members of said executive committee shall be elected for two years; one for three years, and two for four years, and until their successors are elected and qualified; and the said highway commission shall have power to fill all vacancies of the executive committee by death, resignation or otherwise, for any unexpired term: *Provided*, that at least two members of said executive committee of said highway commission shall at all times be members of a different party from that of a majority of the said board of county commissioners, said two members to be selected from the political party casting the next highest vote to that political party electing a majority of said board of commissioners at the last election held for the election of county officers. That as soon as practicable after the election of the said executive committee of the said highway commission the said committee shall meet and organize by electing one of their members president of said executive committee, another of their members secretary, and some other suitable person, not a county officer, treasurer thereof; and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the members of the highway commission and of the executive committee thereof shall take an oath before some person authorized to administer oaths, to perform the duties of their respective offices to the best of their skill and ability: *Provided*, *further*, that as the terms of office of said highway commission shall expire, the board of commissioners of Randolph County shall elect their successors to same for a period of two years; and when the terms of office of the said executive committee shall expire the said

Election of highway commission.

Term of office.

Vacancies.

Meeting for organization.

Organization.

Record of proceedings.

Executive committee.

Terms of office.

Vacancies.

Proviso: political affiliation.

Meeting for organization.

Organization.

Proviso: highway commissioners and executive committeemen to qualify.

Proviso: election and terms of successors.

highway commission shall elect their successors for a period of four years each.

Suggestions and recommendations.

SEC. 6. The said commission, at its first meeting, shall suggest and recommend to the executive committee the various public roads in the county which should be improved with the funds hereinafter provided for. They shall likewise suggest and recommend the character of work to be done on said roads and the number of miles

Copies to executive committee and engineer.

to be covered. A copy of the minutes of the said meeting, setting forth the roads to be so improved and the number of miles and the material intended to be used, shall be furnished to the executive committee and the road engineer to be elected by said executive committee.

Surveys, reports and estimates.

The road engineer and his assistants shall make a careful survey of the said roads, under the direction of the executive committee, and he shall make report, as soon as possible after accomplishing said work, to the executive committee of the said highway commission, and in said report he shall give an estimate of the cost of the work proposed to be done on the various roads suggested.

Executive committee to meet.

As soon as said report shall have been presented to the president of the executive committee of the highway commission he shall call together the executive committee to meet in Asheboro within ten days, mailing notice to each member of the committee at least five days before the date fixed for the meeting.

Selection of roads.

At the said meeting the executive committee shall take final action in the premises and shall select the public roads to be improved and designate the number of miles on each road and the kind of material

Appropriations.

to be used, and they shall appropriate to each separate road so selected the sum of money estimated for said purpose, and no more; and thereafter if the money appropriated for each separate road shall be inadequate for the purpose intended, no more funds of the said bond issue hereinafter provided for shall be expended on said road, except that the executive committee by a four-fifths vote may appropriate such further funds as it shall deem necessary. The said executive committee shall designate the width of the highways to be constructed under this act.

Width of highways.

Meetings of highway commission.

SEC. 7. The said highway commission shall meet once each year, on the first Monday in January, and it shall likewise meet at such other times during the year as the president of the executive committee or the chairman of the highway commission, and five members of the highway commission shall designate, upon five days notice in writing duly given to all members of said commission by letters addressed to their usual post-office.

Pay of executive committee.

SEC. 8. That the said executive committee shall not receive compensation for more than three days service in any one month, and their pay shall be the same as is now received by the commissioners of the county, and the members of the highway commission shall

Pay of highway commission.

also receive the same pay as is now provided to be paid to the county commissioners for one meeting in each year and for not

more than one call or special meeting: *Provided*, that the executive committee may employ the president or other member of the executive committee to devote more of his time than three days per month and that he be paid the same as is now received by the commissioners of the county, and also his expenses for such time as the executive committee may deem best to so employ him.

Proviso: special employment.

SEC. 9. By a two-thirds vote of the highway commission a vacancy may be declared in the said executive committee and a new member elected to fill such vacancy. These vacancies may be created at any time in the discretion of said highway commission.

Recall of executive committeemen.

SEC. 10. That the said executive committee may in its discretion establish a chain gang in said county under the law, for working and improving the roads of Randolph County as provided for in this act, and shall have entire charge and control of the chain gang and of all other prisoners convicted of crime and sentenced by the court or courts to penal servitude on the said public highways. It shall elect by ballot a highway superintendent for Randolph County, and fix his compensation. The person so elected shall take and subscribe an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of two thousand dollars for the faithful performance of his duties, and for accounting for the money and property which may come into his hands as said superintendent, the bond to be approved by the executive committee; he shall hold office for one year or until his successor is elected and qualified, except that the said executive committee may remove said superintendent from his office and elect a successor for the unexpired term. He shall enter upon his duties and work when and where directed by said executive committee; he shall supervise the laying out of the highways selected by the said executive committee, under the direction of an engineer experienced in said work; he shall have control over and direct the workings of the convicts in Randolph County, and shall also have control over and direct all other labor as may be deemed by the executive committee proper to be employed on said road; it shall be his duty to employ the overseers of the chain gang of the convict force, and overseers of such other force as it may be deemed by the executive committee expedient to employ, and the necessary servants, and guards for working and caring for the convicts under and by authority of law. He shall prescribe the duties of the said overseers, guards and servants, and may remove any of them at any time; all of which duties of the said superintendent shall be subject to the approval of the executive committee.

Chain gang.

Election and compensation of superintendent.

Superintendent to qualify and give bond.

Term of office.

Power of removal.

Duties and powers.

Overseers, servants and guards.

SEC. 11. That the treasurer of the executive committee shall account to the executive committee twice annually for the said highway fund, and as much oftener as the said executive committee shall deem best. His compensation shall be fixed by the committee.

Treasurer to account semi-annually.

Compensation.

- Reports. The said executive committee may require as often as they think best reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same. And said treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond, payable to the State of North Carolina, in the usual manner, not exceeding the greatest amount which may at any time come into his hands during the succeeding year by reason of this act, conditioned for his faithful performance of his duties, and rendering a due account in respect thereto, and in all things holding and disposing and accounting for the same as is required by law, which bonds shall be passed upon, accepted and received by said executive committee; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders and to what account they are chargeable, and shall be signed by the president and secretary of said executive committee. That the treasurer's bond shall be fixed by the said executive committee from time to time, and the same may be increased or decreased as the responsibilities of the office may demand.
- Bond of treasurer.
- Orders.
- Considerations in selection of roads. SEC. 12. The said executive committee, in determining upon the said roads to be made or improved within said county shall take into consideration the needs of the entire county and every part thereof with special regard to a complete system of roads which in their opinion will be of benefit to the greatest number of the people of the county and treating every section of the county with as equal favor and justice as may be possible.
- Surveys for changes. SEC. 13. In relocating, straightening or widening roads now in use or in opening new roads the executive committee may cause a survey of the proposed change of an old road or of the new road to be opened, and if they adopt said survey they shall give notice to the owner or owners of the land that they have adopted said survey or surveys and that the same is condemned for the use of the county for a public road. Any person who shall obstruct or hinder an authorized person in making a survey for the changing of a road or the opening of a new road, or shall obstruct any one in the performance of the duties or work specified in this act, shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court. And whenever the executive committee or its agents can not agree with the owner for the purchase of any gravel pit, stone quarry or any gravel, stone or other material needed in the building or repair of said roads or for land for crusher plants or convict camps, it shall have the right at any and all times to enter upon said lands, premises or property or to have its agents, employees or contractors to enter thereon and take therefrom any stone, gravel or other material which shall be needed for said purposes, or to erect, maintain and operate crusher plants or convict
- Notice to land-owners.
- Obstruction of survey or work a misdemeanor.
- Punishment.
- Entrance on land for material or location.

camps on such lands as long as may be needful for the purposes of this act: *Provided*, that any person who shall have sustained any damage or injury to his property by any act authorized by this section, may within four months thereafter petition the board of county commissioners, who shall cause the sheriff of the county to summons a jury of three disinterested freeholders to assess the damages to said property owner or owners. The said jury, in determining said damages, shall take into consideration the benefits accruing to the property from the said new roads or the improvement of the old, and the damages sustained by the property, if any; subtract the former from the latter and the balance, if any, shall be their verdict. Their report may be reconsidered at the instance of the petitioner or the executive committee, and affirmed, modified or set aside. An appeal from this determination may be taken to the next succeeding term of the superior court, which shall convene as much as thirty days thereafter, provided notice thereof be served on a member of the board of commissioners and on the adverse party within ten days after the decision of the said board. Any damages assessed and determined as aforesaid shall be paid out of the funds provided under this act.

Proviso:  
assessment of  
damages.

Right of appeal.

SEC. 14. The said executive committee is hereby empowered to purchase in the name of Randolph County such gravel pits, quarries of stone or other material as shall, in their judgment, be advantageous in the building, repairing or constructing of such highways, and it may purchase in the name of said county the right-of-way to and from said quarries, gravel pits or other material necessary, to haul or carry said gravel, stone or material to said highways.

Purchase of gravel  
pits and other  
material.

Rights-of-way.

SEC. 15. Said executive committee shall have the right to rent or purchase adjacent land necessary as a site for the crusher plant, or camp of the convict force used or employed by said executive committee or its agents upon said public highways.

Sites for plants or  
camps.

SEC. 16. That the said executive committee shall have authority to employ a physician at any time to assist the county physician in attending to the convicts working the said public highways, and shall also have power to provide for the care and safe-keeping of said convicts, and to provide all things necessary to carry into effect the provisions of this act.

Employment of  
physician.

Care and keeping  
of convicts.

SEC. 17. That the said highway commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in the said county, and for the purchase of such tools, machinery, implements, stock and all other necessities, and for the employment of such overseers, foremen and laborers as they may deem necessary for the said purpose. The board of commissioners and township trustees may from time to time put in the custody and control of the highway commission such part of the road-making machinery of the county as may not be needed for the work of constructing and repairing public roads

Use of proceeds of  
bonds.

Machinery.

- under the general county road law, and may at any time withdraw from the custody of the highway commission all or any part of said machinery. The said convicts while in the custody and control of said highway commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the funds derived from said bonds.
- Employment of convicts.**
- Record of bonds.** SEC. 18. The board of county commissioners shall have a record kept of all the bonds issued under the provisions of this act in a book provided for that purpose, showing to whom the bonds are sold, the amount and date of sale, and the number and date of maturity of each bond.
- Limit of annual bond issue.** SEC. 19. That the proceeds of the bonds herein authorized shall be handled and disposed of as follows: Not over \$100,000 of said bonds shall be executed and issued any one year, and so much of said sum as is not needed in the construction of the work shall, in accordance with the directions of the executive committee, be deposited in bank or banks to bear interest at the best obtainable rate for the use of the said fund; the proceeds of the sale of said bonds shall be paid over to the treasurer of the executive committee of said highway commission to be by him disposed of upon proper vouchers issued by order of the executive committee and signed by the president and secretary of the said executive committee. The executive committee may at any time after the first issue and sale of bonds, if it deems advisable, and in order to keep up the road work, and when they are unable to place further bonds at satisfactory prices, borrow money and pledge said bonds as collateral for said loan.
- Deposits. Proceeds to treasurer.**
- Vouchers.**
- Temporary loans.**
- Expenses of issuing bonds.** SEC. 20. That all expenses incident to the preparation, issue and sale of said bonds shall be paid by the said executive committee from and out of the proceeds of the sale of said bonds, and the money arising from the sale of said bonds shall be expended under the direction of the said executive committee in laying out, constructing and maintaining roads in said county of Randolph: *Provided, however,* that the purchasers of said bonds shall not be required to see to the application of such moneys for the purposes aforesaid.
- Expenditure of proceeds.**
- Proviso: responsibility of purchaser.**
- Roads may be let to contract.** SEC. 21. The said executive committee is hereby authorized, when in its judgment the best interests of the county may be promoted thereby, to let by contract the building and maintenance of any section or portion of the said highways above designated, in which event they shall advertise for bidders in at least one newspaper published in said county.
- Special tax for interest.** SEC. 22. That in case election held under the provisions of this act shall be in favor of issuing said bonds, the board of commissioners for the county of Randolph shall annually compute and levy, the first Monday in June, a sufficient special tax upon all polls

and property, real and personal, and other subjects of taxation on which the said board of county commissioners now or may hereafter be authorized to levy taxes for general county purposes, 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; said taxes shall be collected in the same manner and at the same time as other taxes, and shall be paid over by the sheriff to the treasurer of Randolph County, which officers shall give justified bonds in the amount which shall be determined by the county commissioners not to exceed \$25,000 each, the former officer for collecting and paying over and the latter for safe-keeping and proper disbursement of said funds, and of the funds accruing under the following section.

Collection and settlement of taxes.

Bonds of officers.

SEC. 23. For the purpose of creating a sinking fund with which to pay the principal of said bonds when they shall become due, beginning twenty years before said bonds or any of them shall become due, the board of county commissioners shall annually levy and cause to be collected a further tax of such amount as will be sufficient at maturity of such bonds, when invested and after deducting the costs of collecting and administering the fund to pay off and discharge one-twentieth part of each and all of the bonds which shall become due in twenty years or less.

Tax for sinking fund.

SEC. 24. That the taxes levied and collected for the purposes specified in sections 22 and 23 of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used for the purposes for which they were levied and collected: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said board of commissioners, at the time of levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess and to compute and levy said taxes accordingly.

Taxes kept separate.

Proviso: application of excess.

SEC. 25. That it shall be the duty of the board of commissioners for the county of Randolph to annually invest any and all money arising from the special tax collected under section 23 of this act in the purchase of any of said bonds at a price deemed advantageous to said county by the board of commissioners; but in case said bonds can not be purchased, the said board of commissioners shall cause the surplus moneys of this fund to be deposited with one or more banks or trust companies of undoubted solvency at the best obtainable rate of interest, and any and all interest arising from the investment as above directed shall be reinvested in the manner as above provided until said bonds are due.

Investment or deposit of sinking fund.

SEC. 26. It is hereby provided that if the State of North Carolina shall become the purchaser of the bonds herein provided for, or shall become the guarantor of the said issue of bonds provided for

Payments to State if purchaser or guarantor.

in this act, the interest and the sinking fund, if necessary, herein provided for, shall be paid to the treasurer of the State of North Carolina, under such rules and regulations as shall be prescribed by law.

Object and effect  
of act.

SEC. 27. The object of this act is to enable the people of Randolph County, through their representatives, to improve the public roads, and with the money arising from the sale of bonds and with the convicts and other means and resources, to construct, lay out, maintain and repair said roads, and not interfere with the public road law in Randolph County except in respect to such roads as shall be designated and taken charge of under and in accordance with this act; and as soon as the work contemplated under this act shall have been completed, said roads shall again become subject to the jurisdiction and control of the township trustees as provided by existing laws; and it is therefore provided that this act shall not and does not repeal any portion of Chapter 567 of the Public Laws of 1909 consistent herewith, but so much of said act as is inconsistent with the spirit of this act is hereby repealed.

SEC. 28. That this act shall take effect from and after its ratification.

Ratified this 4th day of March, 1911.

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#### CHAPTER 375.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CUMBERLAND COUNTY TO ISSUE BONDS AND LEVY TAXES FOR THE CONSTRUCTION OF A BRIDGE OVER THE CAPE FEAR RIVER.

*The General Assembly of North Carolina do enact:*

Bond issue  
authorized.

SECTION 1. The board of commissioners of Cumberland County are hereby authorized, if in their discretion they deem the same a public necessity, to issue and sell the bonds of Black River and Carver's Creek townships, to an amount not exceeding twenty thousand dollars (\$20,000); or so much thereof as may be necessary for the purpose of providing funds for the construction of a steel, iron or other durable bridge over the Cape Fear River at or near the town of Godwin; and they may levy and cause to be collected a special tax in said townships, as hereinafter provided, in order to provide the necessary funds for the payment of such bonds and interest.

Amount.

Special tax.

Denominations.

SEC. 2. Said bonds, when issued, shall be in denominations of one hundred to one thousand dollars, as said board of commissioners may determine; they shall be dated on the first day of July, one thousand nine hundred and eleven, and run for a period to be

Date and maturity.

determined by the board of commissioners, not to exceed twenty (20) years from the date thereof; they shall be signed by the chairman and clerk of said board and duly attested by the official seal of the county; they shall be consecutively numbered, shall bear interest not exceeding five per cent per annum, and shall express on the face thereof the purpose for which they are issued, and when and where payable, and shall be known as the "Upper Cape Fear Bridge Bonds." But said commissioners may, if they deem best, provide in said bonds that all or any part thereof, in lots of not less than five hundred dollars (\$500), may, upon proper notice, be paid in full, with accrued interest at the time of payment, at any time after ten years from the date of issue; the bonds to be called in and paid to be decided by lot, and the interest on all bonds so called shall cease after the date of payment fixed in such call.

Authentication.

Interest.

Bonds subject to call.

SEC. 3. Interest coupons shall be attached thereto, numbered to correspond to the bonds, payable on the first days of October and April of each year, and shall bear fac-simile signatures of the chairman and clerk of the board.

Coupons.

SEC. 4. The said commission may sell all of said bonds or any part thereof, from time to time, at public or private sale, with or without notice, as funds may be required for the purpose aforesaid, in the discretion of the said board, but none of said bonds shall be sold for less than their face value, with the accrued interest at the time of said sale.

Sale of bonds.

No sales below par.

SEC. 5. The clerk of the board shall keep a complete record of said bonds, showing the date and amount of each, when and to whom issued and sold, and amount received from the sale of each.

Record of bonds.

SEC. 6. That said board of commissioners and their successors in office shall create and maintain a sufficient sinking fund for the redemption of said bonds at maturity, and the amount to be paid by them annually to the sinking fund committee shall not be less than five per cent (5 per cent) of the principal amount of said bonds outstanding, under the provisions of this act; and the said board of commissioners shall require the sinking fund committee of said county to see that the provisions of this section are fully complied with, but this shall not relieve the said board of commissioners from their full duty of creating and maintaining said sinking fund.

Sinking fund.

SEC. 7. If the election hereinafter provided for shall result in favor of the bridge bonds, then it shall be the duty of said board of commissioners to levy and cause to be collected, annually, in the usual course and by the usual methods, a special tax, observing at all times the constitutional requirements, on all subjects of taxation in Black River and Carver's Creek townships, in an amount sufficient to pay the interest on said bonds and to create and maintain the sinking fund herein provided for their final redemption at maturity, not to exceed fifteen cents (15 cents) on the one hundred dollars valuation.

Special tax for interest and sinking fund.

Rate.

Investment of sinking fund.

SEC. 8. That the said sinking fund provided for in this act may be invested in such securities as the sinking fund committee of Cumberland County may have authority so to do, under the act passed at the session of the General Assembly of one thousand nine hundred and nine, said act being chapter three hundred and sixteen (316), Public Laws of North Carolina, entitled "An act to create a permanent sinking fund committee for Cumberland County and to specify its duties."

Failures of duty constituting misdemeanor.

SEC. 9. That if the said board of commissioners shall fail or refuse to provide for the payment of said interest and for the creation and maintenance of said sinking fund, as hereinbefore provided, or if said board of commissioners or any other public officer of said Cumberland County shall apply the funds belonging to said sinking fund to any other purpose than provided for in this act, they or either of them shall be guilty of a misdemeanor, and upon conviction may be fined or imprisoned, at the discretion of the court.

Punishment. Reports as to sinking fund.

SEC. 10. The said sinking fund committee of said county shall annually report to the said board of commissioners at their regular meeting in January of each and every year the condition of the sinking fund provided for in this act, how much has been paid to them during the year preceding, the nature and amount of all investments and in said report make such suggestions and recommendations as to the sufficiency of the amount paid them annually as a sinking fund, and upon such other matters as they may deem proper, which said report shall be recorded and published as other official reports.

Election on bond issue.

SEC. 11. That no bonds shall be issued under this act until the question of such bond issue shall be submitted to the qualified voters of Black River and Carver's Creek townships at an election to be held therein before July first, one thousand nine hundred and eleven, upon the call of the board of commissioners, after twenty days notice. The said board shall appoint a registrar, a pollholder and two judges of election for each of said townships, and may require a new registration therefor. Those favoring the issuance of the bonds shall vote a ballot on which shall be written or printed the words "For Bridge Bonds," and those against such issue shall vote a ballot on which shall be written or printed the words "Against Bridge Bonds." The judges and pollholders shall, within ten days after said election, certify the returns to the board of commissioners under their hands and seals, and after canvassing such returns, the said board shall declare the result. Such election shall be held under the rules and regulations governing the election of members of the General Assembly, not inconsistent with this act.

Time of election.

Election officers.

New registration.

Ballots.

Returns and canvass.

Law governing election.

Effect of election.

SEC. 12. If a majority of the registered voters shall be in favor of bridge bonds, then the bonds hereinbefore provided for shall be issued, and not otherwise, and if said bonds are so issued for said townships the board of commissioners shall add to the fund de-

rived from the sale thereof an amount not to exceed the sum of five thousand dollars (\$5,000), to be obtained by a temporary loan on the note of the county, or otherwise. Addition to  
bridge fund.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

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### CHAPTER 376.

#### AN ACT TO VALIDATE CERTAIN ACTS OF E. D. BOWDEN, NOTARY PUBLIC.

Whereas, E. D. Bowden, a notary public in Currituck County, whose commission expired the twenty-fourth day of January, one thousand nine hundred and ten, has, as notary public, performed several official acts since the expiration of his term of office, thinking he was still a notary public; therefore, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the official acts of E. D. Bowden, as notary public, which were within the scope of the authority of a notary public, done since the twenty-fourth day of January, one thousand nine hundred and ten, to first day of February, one thousand nine hundred and eleven, are hereby ratified, confirmed and made valid. Acts confirmed  
and made valid.

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 377.

#### AN ACT TO IMPROVE STOCK AND TAX DOGS IN CURRITUCK TOWNSHIP, HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to own, keep or have in his or her possession any dog without first having obtained from the clerk of the superior court of said county a license for such dog, for which license said owner shall be required to pay two dollars and fifty cents for each male dog and five dollars for each female dog. Possession of dog  
without license  
forbidden.  
  
Price of licence.

SEC. 2. That it shall be unlawful for any person in said township to allow any boar hog to run at large on the public range of said township after the said hog has reached the age of three months. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty-five dollars, or imprisoned not more than thirty days: *Provided, however,* that nothing herein contained shall pre- Boars not to run at  
large.  
  
Misdemeanor.  
Punishment.  
  
Proviso:  
registered boars.

vent the running at large upon the public range of any boar that is entitled to registration under the rules adopted by the Southern Live Stock Breeders Association.

Fines and taxes to school fund.

SEC. 3. All fines imposed and taxes collected under the provisions of this act shall be paid into the public school fund of Currituck Township, Hyde County.

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

SEC. 5. This act shall be in force from and after June the first, one thousand nine hundred and eleven.

Ratified this the 4th day of March, 1911.

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### CHAPTER 378.

#### AN ACT FOR THE BETTER ENFORCEMENT OF THE GAME LAWS OF CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

Game protective commissioners.

SECTION 1. That section one of chapter eight hundred and forty of the Public Laws of nineteen hundred and nine be and the same is hereby amended, by striking out the section and inserting the following in lieu thereof: "That E. R. Johnson, R. E. Flora and John Lewark be and they are hereby appointed and constituted game protective commissioners for Currituck County, for a term of four years, beginning from the first Monday in May, nineteen hundred and eleven.

Term of office.

SEC. 2. That section three of chapter eight hundred and forty of the Public Laws of nineteen hundred and nine be amended by adding after the words "fifty cents" in line six and before the word "the" in line seven, of said section, "and the clerk shall receive no other fee or commission, by virtue of chapter sixty-six, section twenty-seven hundred and seventy-three of The Revisal of nineteen hundred and five, on moneys coming into his hands under chapter eight hundred and forty of the Public Laws of nineteen hundred and nine.

Fees of clerk.

SEC. 3. That section five of chapter eight hundred and forty of the Public Laws of nineteen hundred and nine be amended by striking out the section and inserting the following in lieu thereof: "That the game protection commissioners of Currituck County, on the first Monday in May, nineteen hundred and eleven, and biennially thereafter, shall appoint a chief game warden for Currituck County, who shall hold his office for a term of two years; that it shall be his duty to diligently enforce the game laws of Currituck County as hereinafter set forth."

Chief game warden.

Application of act.

SEC. 4. That these amendments shall apply only to Currituck County.

SEC. 5. That this act shall be in force from and after the first Monday in May, nineteen hundred and eleven.

Ratified this the 4th day of March, 1911.

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CHAPTER 379.

AN ACT TO PROTECT FISH IN UPPER LITTLE RIVER IN HARNETT AND LEE COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to fish with any seine or seines in the waters of Upper Little River in Harnett County between the mouth of Barbecue Creek on said river and where the Atlantic Coast Line Railroad crosses said stream in the county of Lee. Use of seines forbidden.

SEC. 2. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifteen dollars or imprisoned not less than five nor more than ten days, in the discretion of the court. Misdemeanor. Punishment.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed. Repeal clause.

SEC. 4. That this act shall be in force from and after its ratification until the first day of June, one thousand nine hundred and fourteen.

Ratified this the 4th day of March, 1911.

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CHAPTER 380.

AN ACT TO PROTECT FISH IN MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to fish, by any means whatsoever, for a term of two years in the waters of "Big Pine Creek, Brush Creek, or Doe Branch," in Madison County. Full protection for two years.

SEC. 2. That it shall be unlawful for any person fishing in any stream in the county of Madison to use any dynamite or other explosive whatever, for the purpose of killing fish. The possession of fresh water fish by any person from the first of December to the first of March shall be *prima facie* evidence that the same were killed by explosives. Use of explosives forbidden. Possession prima facie evidence.

SEC. 3. That a reward of ten dollars shall be paid to the informer upon the conviction of any person charged with the above offense, said reward to be taxed as part of the costs against any party so Reward.

- convicted, and upon conviction the party so offending shall be guilty of a misdemeanor and fined or imprisoned, at the discretion of the court.
- Misdemeanor.  
Punishment.
- Application of act. SEC. 4. That this act shall apply only to the county of Madison.  
SEC. 5. That this act shall be in force and effect from and after its ratification.  
Ratified this the 4th day of March, 1911.

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### CHAPTER 381.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-TWO (222), PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO FISHING IN OYSTER CREEK.

*The General Assembly of North Carolina do enact:*

- Law extended. SECTION 1. That section one of chapter two hundred and twenty-two (222), Public Laws of one thousand nine hundred and seven, be amended by inserting after the word "creek" and before the word "and" in line three of said section the words "or its tributaries."
- SEC. 2. That this act shall be in force from and after its ratification.  
Ratified this the 4th day of March, 1911.

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### CHAPTER 382.

AN ACT TO PROTECT CERTAIN GAME IN RICHMOND COUNTY.

*The General Assembly of North Carolina do enact:*

- Full protection. SECTION 1. It shall be unlawful for any person or persons to shoot, kill, trap, catch, or take in any manner fox in Richmond County: *Provided*, that between the first day of September and the fifteenth day of March of the succeeding year it shall be lawful to hunt and catch fox with dogs, and at no other time.
- Proviso: open season for hunting.
- License tax. SEC. 2. That it shall be unlawful for any person or persons to hunt fox with a pack of dogs without first paying a yearly license tax of ten dollars on each pack of hounds. A pack is declared to be ten or more dogs. The said money paid as said license shall go to the general school fund of said county.
- Pack defined.
- License tax to school fund.
- Shipment forbidden. SEC. 3. That it shall be unlawful to take, ship or carry any live fox from Richmond County.

SEC. 4. That it shall be unlawful to injure, shoot or kill any dog belonging to any pack of hounds when the owner or owners have paid the license as required by this act. Injuring dogs forbidden.

SEC. 5. Any person or persons violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars and not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor. Punishment.

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 this the 4th day of March, 1911.

### CHAPTER 383.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS AND JUSTICES OF THE PEACE FOR VANCE COUNTY TO LEVY A SPECIAL TAX.

Whereas, the board of commissioners and justices of the peace for the county of Vance have incurred certain indebtedness in behalf of said county, in remodeling and improving the court-house in said county, the balance of which indebtedness amounts to about fifteen thousand and five hundred dollars; and whereas, the amount of the tax levy as now authorized by law is not sufficient to raise the amount necessary to pay off the said indebtedness, and to meet the current expenses of the county; now, therefore, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners for the county of Vance, with the concurrence of a majority of the justices of the peace of said county, sitting with them, be and they are hereby authorized to levy, in addition to the amount now authorized by law, a special tax of not exceeding ten cents on each one hundred dollars worth of real and personal property, and thirty cents on each taxable poll in Vance County for the years one thousand nine hundred and eleven, one thousand nine hundred and twelve, one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, for the purpose of paying off the above-named indebtedness. Special tax authorized. Rate.

SEC. 2. That said special tax shall be levied, collected and disbursed as the other taxes of the said county are levied, collected and disbursed as a special fund for said purpose. Levy, collection and disbursement.

SEC. 3. The levy for the last year in which a levy is made shall be as nearly as possible for the balance due on said debt and should Levy for final year.

Surplus. there be any surplus in the hands of the county treasurer, derived from said special tax, after the payment of the balance of above-named indebtedness, all such excess shall be turned into the general county fund, and the same become a part thereof, and disbursed accordingly.

SEC. 4. This art shall be in force from and after its ratification. Ratified this the 4th day of March, 1911.

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#### CHAPTER 384.

### AN ACT TO MITIGATE THE EVILS OF HYDROPHOBIA, AND TO PROTECT THE SHEEP INDUSTRY OF FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

Dog tax. SECTION 1. That there shall be annually levied and collected the following tax upon dogs: Upon every dog over three months old, kept or owned by any person, firm or corporation, one dollar.

Duty of list taker. SEC. 2. The list takers or assessors of every township or ward at the time of making their annual assessment shall inquire and ascertain the number of dogs liable to be taxed and requested by the owners thereof to be listed, and shall enter on their regular tax abstract, in a space to be provided for the same, the number of dogs owned by said person, firm or corporation, and the amount of tax due as specified in the preceding section. It shall be the duty

Explanation to dog owners.

of the list taker or assessor to explain to the owner of any dog or dogs the effect of listing same, and the amount of tax they will be required to pay. Any person desiring to be relieved of this tax may within three days after the sitting of the list takers, or assessors, in their respective townships, wards or precincts, furnish sufficient evidence to said list taker or assessor, or to some justice of the peace in the county or town where said taxpayer resides, that he has killed said dog or dogs. Upon furnishing said information to the satisfaction of the officer mentioned herein the owner of said dog or dogs shall be exempt from the tax imposed herein.

Relief by killing dogs.

Any owner failing to list a dog or to kill same as herein specified, shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court. The sheriff or tax collector shall give to the owners of dogs who pay tax on said dogs a metal label that may be securely fixed to a dog collar. Such label shall bear the year in which said tax is levied and shall be regularly worn by all dogs required by this act to be listed. The labels shall be provided for by the commissioners out of the general fund of Forsyth County.

Failure to list misdemeanor.  
Punishment.  
Labels.

SEC. 3. The clerk to the board of county commissioners shall enter upon the tax duplicates the list as returned herein. The tax receipts shall show in separate columns the amount of dox tax to be paid. Said tax shall be collected by the sheriff or tax collector in the same manner and at the same time as the general taxes are collected, and with the same liability as to the proper accounting and settling for same. They shall have power to levy and sell any property of the owner or owners, keeper or keepers of dogs liable to be taxed. They shall receive the same rate of commissions for collecting and accounting for this tax as they now receive for the general taxes.

Lists and receipts.

Collection of tax.

SEC. 4. The sheriff or tax collector shall pay over to the county treasurer, after deducting his commissions as provided in the preceding sections, the money arising from this act. The said funds shall become a part of the school fund of Forsyth County.

Taxes paid over to school fund.

SEC. 5. Any county or town officer who shall neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, in the discretion of the court.

Neglect of duty misdemeanor.

Punishment.

SEC. 6. Every person or persons in possession of any dog who shall suffer any dog to remain about his premises for the space of ten days previous to the assessment of a tax, or previous to any injury, chasing, worrying or killing any sheep or hogs, shall be deemed the owner of such dog for all purposes of this act.

Owner defined.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 4th day of March, 1911.

## CHAPTER 385.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO BUILD MACADAMIZED ROADS WITHIN THE LIMITS OF INCORPORATED TOWNS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Guilford County are authorized and empowered, in their discretion, to grade and macadamize the streets of any incorporated town within said county when such streets form a continuation of the public highways of said county, and when such highways are macadamized to the corporate limits of said town. It being the purpose of this act to authorize said board of county commissioners when any public

Streets forming continuations of highways.

highway has heretofore been, or shall hereafter be, macadamized to the corporate limits of any incorporated town in said county, to grade and macadamize the streets in said county which form a continuation of said public highway in the same manner as if the same were a public highway of said county.

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 this the 4th day of March, 1911.

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### CHAPTER 386.

AN ACT TO REGULATE HUNTING IN BEAUFORT AND MERRIMAN TOWNSHIPS, CARTERET COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Hunting or trapping without written permission forbidden.

SECTION 1. That it shall be unlawful for any person or persons to hunt or trap upon the land of another in Beaufort and Merriman townships, Carteret County, North Carolina, without first securing the written permission of the owner or his or her duly authorized agent.

Misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined not more than ten dollars or be worked upon the public roads of Beaufort and Merriman townships, Carteret County, North Carolina, for not more than ten days.

Punishment.

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 this the 4th day of March, 1911.

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### CHAPTER 387.

AN ACT TO PROHIBIT THE EXPLOSION OF FIREWORKS WITHIN THREE HUNDRED YARDS OF ANY COTTON MILL IN DURHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Act forbidden.

SECTION 1. That no fireworks of any kind shall be exploded or caused to be exploded within three hundred yards of any cotton mill in Durham County.

SEC. 2. That any person, firm or corporation violating any of the Misdemeanor. provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned Punishment. not more than thirty days.

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 388.

AN ACT TO REPEAL CHAPTER EIGHTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE PAYMENT OF CLAIMS IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-one of the Public Laws of one Law repealed. thousand nine hundred and nine be and the same is hereby repealed.

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 389.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FOURTEEN, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND NINE, AND RE-ENACT CHAPTER FIFTY, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND ONE, WITH CERTAIN AMENDMENTS THERETO RELATIVE TO WORKING PUBLIC ROADS OF ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fourteen, Public Law repealed. Laws one thousand nine hundred and nine, be and the same is hereby repealed.

SEC. 2. That chapter fifty, Public Laws one thousand nine hundred and one, together with chapter three hundred and sixty-eight, Law re-enacted. Public Laws one thousand nine hundred and three; chapter sixty, Public Laws one thousand nine hundred and five; chapter eight hundred and seventeen, Public Laws one thousand nine hundred and seven, amendatory thereto, be and the same is hereby re-enacted, except as hereinafter amended.

SEC. 3. That section fifty-nine, chapter fifty, Public Laws of one thousand nine hundred and one, be and the same is hereby amended

- Levy of road tax. by striking out the words "are hereby authorized to" in line two of said section and insert in lieu thereof the word "shall."
- Collection of tax. SEC. 4. That section sixty-one, chapter fifty, Public Laws one thousand nine hundred and one, be amended by striking out all of said section down to and including the word "paid" in line seven of said section, on page two hundred and twelve, Public Laws one thousand nine hundred and one, and insert in lieu thereof the words "the sheriff or tax collector shall collect all taxes levied under the provisions of this act and pay the same."
- General repeal clause. SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.
- Application of act. SEC. 6. This act as amended shall apply only to Ashe County.  
SEC. 7. This act shall be in effect from and after its ratification. Ratified this the 4th day of March, 1911.

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CHAPTER 390.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED JANUARY TWENTY-EIGHTH, ONE THOUSAND NINE HUNDRED AND ELEVEN, BEING AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF WASHINGTON AND IN WASHINGTON TOWNSHIP, LONG ACRE TOWNSHIP, CHOCOWINITY TOWNSHIP AND BATH TOWNSHIP IN BEAUFORT COUNTY, BE AND THE SAME IS AMENDED AS FOLLOWS:

*The General Assembly of North Carolina do enact:*

- Bath Township. SECTION 1. Strike out the words "and Bath Township" in the title of said act.
- Bath Township. SEC. 2. Strike out the word "Bath Township" in lines three and four of section one of said act as the same appears in the ratified act on file in the office of Secretary of State.
- Proviso stricken out. SEC. 3. Strike out the proviso of said act.  
SEC. 4. That this act shall be in force from and after its ratification.  
Ratified this the 4th day of March, 1911.

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CHAPTER 391.

AN ACT TO PREVENT DEPREDATION OF DOMESTIC FOWLS IN ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

- Allowing fowls at large forbidden. SECTION 1. That it shall be unlawful for any person or persons in the counties of Alexander and Surry to permit any turkeys, geese,

chickens, ducks or other domestic fowls to run at large, after being notified as in section two of this act, on the lands of another person while such lands are under cultivation in any kind of grain or feed stuff, or while being used for gardens or ornamental purposes.

SEC. 2. That any person or persons so permitting his fowls to run at large as set out in section one of this act, after being notified, shall be guilty of a misdemeanor, and shall be fined not exceeding five dollars or imprisoned not exceeding five days.

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 392.

AN ACT TO AMEND CHAPTER TWO HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE PUBLIC ROADS OF MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five be amended by adding after the words "North Carolina" in line five the following: "and if a majority of the votes cast at said election shall be in favor of the levy of the said special tax, then it shall be the duty of the county commissioners to make the levy in accordance with said vote."

SEC. 2. That section seven of said act be amended by adding thereto as follows: "*Provided, further,* that no overseer or supervisor shall receive his per diem for working a less number than ten hands for each day."

SEC. 3. That section twenty of said act be stricken out and the following inserted in lieu thereof: "that when any person or persons on whose land the new road or part of a new road is to be located, widened or changed or extended, claims damages therefor in excess of what the board of road commissioners of said county may deem just and offer to pay, and shall within thirty days after the jury shall lay out said road, petition said road commissioners for a jury to assess the damages, the said commissioners shall, within not less than fifteen nor more than thirty days after the completion of said road, order a jury of five freeholders who are residents of the township where the road is to be located or constructed, none of whom shall be related to the person claiming damages, to be summoned by the sheriff of the county or constable of the township, on the notice issued by the board of road commissioners of said county, to meet and assess the damages, if any,

sustained by the owner of the land, which said jury, after being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the said commissioners. That said jury, in considering the question of damages, shall take into consideration the special benefits to the owner of the lands by such road or change of the same, and if the said special benefits be equal to the damages sustained the jury shall so declare; but if the damage exceeds the special benefits, they shall declare the amounts thereof. The officer making the service shall serve a copy of the summons on each freeholder summoned as juror. The damages, if any are awarded, shall be paid out of the road funds of the county by order of the road commissioners of said county. In case either party interested be dissatisfied with the finding of the jurors, such party may appeal to the superior court of Madison County, without bond, but the judge may, in his discretion, require either party to give bond after the appeal is docketed in the superior court. Said road commissioners or their foreman or supervisor shall have the right to enter upon the lands of any person and proceed to lay out any road or roads, doing as little damage as possible to said lands or premises. Said roads not to exceed twenty-four feet in width.

Right of appeal.

Entry on land.

Width of road.

Cartways.

Proviso: assessment of damages.

Cartways by prescription.

Acts declared misdemeanor.

Punishment.

SEC. 4. The board of road commissioners shall have the right to lay out establish and discontinue cartways: *Provided*, that in laying out and establishing said cartways, and for the purpose of assessing damages to property by reason of the same; no greater number of jurors than three shall be summoned or required, said jurors to be disinterested parties: *Provided, however*, that either party may appeal from the decision of the board of road commissioners. All cartways or private road having been in continuous use for a period of ten years are hereby established as lawful cartways. All lawful cartways shall be kept open and free from obstructions to travel except that at land line crossings it shall be lawful to erect at said land line crossings gates, constructed in such manner that they may be conveniently opened and closed and any gate so erected shall be kept in good repair by the person erecting such gate. Any person obstructing any cartways as herein provided for by felling trees across same or in any other way so as to make traveling over same inconvenient, or any person who shall willfully leave open any gate erected as herein provided for shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding ten dollars or imprisonment not exceeding ten days or both, in the discretion of the court.

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

Ratified this the 4th day of March, 1911.

## CHAPTER 393.

## AN ACT TO ENLARGE STOCK LAW TERRITORY IN LILLINGTON TOWNSHIP, HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-one, Public Laws <sup>Repeal of law.</sup> session of one thousand nine hundred and nine, in so far as it affects the territory lying within Lillington Township, Harnett County, be and the same is hereby repealed.

SEC. 2. That a wire fence not less than four feet high shall be <sup>Wire fence.</sup> run, beginning at Kivett's bridge on Upper Little River and along <sup>Boundary.</sup> the east side of the Avasboro and Lillington road to a point opposite the north end of Miss Bettie Pipkin's orchard; thence direct to the negro schoolhouse on Silver Run Branch; then with fence as it now runs, crossing the telegraph road to the north end of the Marshall field; thence directly to the lightwood siding Raleigh & Southport Railway; thence direct to Harnett and Lillington public road at a point in front of George McLean's house; thence on the east side of said road to the corporate limits of the town of Lillington; and good and sufficient gates shall be provided at all public road crossings.

SEC. 3. That upon the completion of said fence the stock law, as <sup>Stock law effective on completion of fence.</sup> provided for in chapter thirty-one, subchapter three, of The Revisal of one thousand nine hundred and five, shall become effective in that part of Lillington Township, Harnett County, bounded as follows: Beginning at Kivett's bridge on Upper Little River, and <sup>Territory.</sup> running as fence provided for in section two of this act; thence around the eastern boundary of the town of Lillington to the Cape Fear River; thence down said river to the mouth of Upper Little River; thence up said Upper Little River to the beginning.

SEC. 4. That for the purpose of carrying into effect the provisions of this act, Henry M. Spears, Seth D. Brantly, and M. R. Morgan, Jr., are hereby appointed commissioners to be known as commissioners of South Lillington Stock Law Territory. Said commissioners shall appear before the board of county commissioners of Harnett County at their regular meeting on first Monday of March, one thousand nine hundred and eleven, and subscribe to an oath to faithfully perform the duties of their office and shall serve for a period of two years, at which time and biennially thereafter <sup>Commissioners named.</sup> their successors shall be named by said board of county commissioners to serve for a like term with like powers. Any vacancy <sup>Commissioners to qualify.</sup> in said board by death, resignation or failure to qualify shall be filled by said board of county commissioners. Said stock law commissioners shall have authority to contract for and purchase the <sup>Term.</sup> material necessary for the construction of fence provided for in <sup>Election of successors.</sup> <sup>Vacancies.</sup> <sup>Authority of commissioners.</sup>

- section two of this act and to have said fence erected and maintained in good repair. For the time actually spent by each of said commissioners in performance of said work, he shall be entitled to a compensation of one dollar and fifty cents per day, which amount shall be considered a part of the cost of said fence and paid as hereinafter provided for.
- Pay of commissioners.**      SEC. 5. That said commissioners shall apportion the cost of said fence as a special assessment upon the real property in said district to be paid in either one or two annual payments as said commissioners may deem best. Should any one fail to pay over to said commissioners the amount apportioned, said commissioners shall deliver the same to the sheriff of the county to be collected as provided by law for the collection of other taxes.
- Assessments for fence.**
- Collection.**
- Annual statements.**      SEC. 6. That said commissioners shall truly make and render to the board of county commissioners on the first Monday in January of each year a sworn itemized statement of all moneys collected and expended and all debts contracted by them under the provisions of this act.
- SEC. 7. All laws and clauses of laws are hereby repealed in so far as they are in conflict with the provisions of this act.
- SEC. 8. This act shall be in effect from and after its ratification. Ratified this the 4th day of March, 1911.

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#### CHAPTER 394.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ONSLOW COUNTY TO ISSUE BONDS AND LEVY TAX FOR GOOD ROADS UPON PETITION OF A MAJORITY OF THE QUALIFIED VOTERS OF SAID COUNTY, AND TO PROVIDE FOR WORKING CONVICTS ON THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

- Bond issue authorized.**      SECTION 1. For the purpose of constructing a system of sand, clay, or macadamized public roads in Onslow County, the board of commissioners of said county are hereby authorized to issue bonds of said county to an amount not exceeding one hundred thousand dollars, not more than twenty-five thousand dollars worth of said bonds to be issued in any one year. Said bonds shall be issued in such denominations and form, executed and transferable in such manner, payable at such times and places, not exceeding forty years from the date of issue, and at such place or places as said board of commissioners may determine, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually.
- Amount.**
- Denomination.**
- Maturity.**
- Interest.**
- Bonds not to be sold below par.**      SEC. 2. None of the bonds authorized by this act shall be sold or hypothecated for less than their par value, nor shall they or their proceeds be used for any purpose other than that provided for herein.
- Specific appropriation.**

- SEC. 3. To provide for the payment of the interest on the bonds issued and the principal, when due, the said board of commissioners shall annually, at the time of levying other taxes, levy a special tax on all persons and subjects of taxation sufficient to raise a fund to pay the interest on said bonds and provide a sinking fund to pay the principal when due. Said bonds when issued shall be exempt from State, county and municipal taxation.
- SEC. 4. The proceeds of said bonds shall be paid into the county treasury and kept separate from all other funds, and shall be disbursed only by order of the board of commissioners for the purpose of building sand, clay or macadamized roads in said county.
- SEC. 5. The bonds hereinbefore provided for shall not be issued until a majority of the qualified voters of said county shall petition in writing the said board of commissioners for their issuance: *Provided*, if the majority of the qualified voters of one or more townships of said county shall petition said board of commissioners, in writing for the issuance of said bonds, then the said board of commissioners shall be authorized to issue in manner and form above set out the bonds of the township or townships so petitioning to an amount not exceeding twenty thousand dollars for each of said townships, to be issued as the same shall be needed.
- SEC. 6. The judges of the superior court of Onslow County and such adjacent counties as do not work their public roads with convicts, are hereby authorized to sentence convicts to work on the public roads of said county of Onslow.
- SEC. 7. In order to provide for the proper working of convicts on the public roads of said county, the board of commissioners of said county of Onslow are hereby authorized, at the time of levying other taxes, to levy a special tax of not less than five cents or more than twenty cents on the one hundred dollars worth of property, and not less than fifteen cents or more than sixty cents on each poll, the constitutional equation between property and polls to be observed at all times. Said taxes shall be collected as other taxes are and shall be kept separate from all other funds of the county and used only by order of the said board of commissioners for the construction, improvement, and maintenance of the public roads of said county, and for the purchase of implements and all other things necessary to properly carry on the work, and for the employment of such additional labor and such supervision of the work as may be deemed necessary by said board of commissioners.
- SEC. 8. Whenever the bonds provided for in this act shall be issued, then the said board of commissioners shall cease to levy and collect the special tax provided for in the foregoing section, and shall pay the necessary expenses of working the said convicts out of the proceeds of such bonds, after the proceeds of said special tax have been exhausted.
- SEC. 9. The board of commissioners of Onslow County are hereby

Special tax.

Bonds exempt from taxation.

Proceeds kept separate.

Application.

Petition for bond issue.

Proviso: petition for issue by townships.

Limit of township issue.

Convicts sentenced to road work.

Special road tax.

Rate.

Constitutional equation.  
Collection.

Specific appropriation.

Special tax to cease on issue of bonds.

Board of audit and finance.

authorized and directed to appoint three suitable persons as a board of audit and finance, not more than two of whom shall be of the same political party. The members of said board of audit and finance, before entering upon the discharge of their duties, shall take and subscribe an oath to faithfully and impartially perform the duties imposed upon them, and they shall organize by electing one of their number chairman and one of their number secretary. Their report, together with their oaths of office, shall be filed with the board of commissioners of said county.

SEC. 10. It shall be the duty of said board of audit and finance to thoroughly investigate the offices of the clerk of the superior court, sheriff, register of deeds, treasurer, and the various justices of the peace of the county, and all other affairs of the county designated by the board of commissioners of said county, and shall report upon the manner in which said offices have been conducted and the public affairs of the county administered. The board of commissioners of the county shall allow said board of audit and finance such clerical and expert assistance as may be necessary, and the expense of same, together with a per diem of three dollars each for the members of said board of audit and finance and the same mileage allowed the county commissioners, shall be paid out of the county treasury by order of the board of commissioners of the county. Said board of audit and finance shall have all the powers and authority usually given to such boards of audit and finance under the general laws of the State and as such may send for persons to appear before them, be examined as witnesses, in the discharge of their duties and shall have the right to demand of any person such books and papers touching the subject of investigation that they may deem necessary. The said board of audit and finance shall recommend in their report such changes as they may deem proper in the conduct and the keeping of all accounts and the general administration of the affairs of said county not inconsistent with the general laws of the State: *Provided*, the board of commissioners of said county may fix the time within which the said board of audit and finance shall complete their work.

SEC. 11. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

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#### CHAPTER 395.

### AN ACT TO PROTECT DEER IN RICHLAND TOWNSHIP, BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt, wound or kill deer in Richland Township, Beaufort County, between

Political affilia-  
tion.

Members to  
qualify.

Organization.

Reports and  
oath of office.

Duty of board.

Reports.

Clerical assist-  
ance.

Pay of board.

Powers and  
authority of  
board.

Recommendations.

Close season.

the first day of February and the fourth day of July in any year, and any person violating the provisions of this act shall, upon conviction, be guilty of a misdemeanor and fined not more than fifty dollars, or imprisoned not more than thirty days. Misdemeanor.  
Punishment.

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 this the 4th day of March, 1911.

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### CHAPTER 396.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE PROVIDING FOR THE LAYING OUT AND WORKING OF THE PUBLIC ROADS OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and eighty-seven of the Public Laws of one thousand nine hundred and nine providing for the laying out and working of the public roads of Guilford County be amended so that the same shall read as follows:

SEC. 2. That all roads in the county of Guilford that have heretofore been laid out by virtue of an act of assembly or under order of the court shall be under the supervision and control of the board of county commissioners of said county. Supervision and control.

SEC. 3. The said board shall have full power and authority to order the laying out and repairing of all public roads, where necessary to open new roads, to widen and straighten old roads and repair the same, to appoint where bridges and fords shall be made, to discontinue old roads when found useless, and to alter roads so as to make them more useful. Power and authority.

SEC. 4. Every public road hereafter laid out in said county shall be of such width as shall be ordered by the board of county commissioners, and under the direction of said board shall be laid out by the county surveyor or some other competent surveyor or engineer. Width of roads.  
Surveyor.

SEC. 5. The said board of county commissioners shall not order the laying out of any public road or the discontinuance of the same unless upon petition in writing, and unless notice of said petition has been given by an advertisement in some newspaper published in said county for twenty days. Upon the filing of said petition with the board it shall be continued until the next succeeding regular meeting of the board, at which meeting the board shall hear Petition for laying out or discontinuance of road.  
Notice of petition.  
Hearing on petition.

the allegations set forth in the petition, and if sufficient reason be shown they may order the laying out or discontinuance of said road.

Condemnation of lands.

Procedure for condemnation.

SEC. 6. That in opening new roads, widening, altering, or straightening old roads and repairing the same, the county commissioners, through their agents, are hereby authorized to enter upon any lands within the county and to build, widen, alter, straighten or repair said roads; and if the said county commissioners and the owners of the said land can not agree as to the damages, if any, then the county commissioners shall, within sixty days after said road is completed, order the sheriff of said county to have summoned five disinterested freeholders, who shall, after notice given to the owner of said land, go upon the premises and after being sworn to view said premises and faithfully perform their duty as assessors, assess such damages and benefits as they shall ascertain have been caused by the opening of said road, or the widening, altering, straightening or repairing of said old roads; and said persons shall at the next regular meeting of said board of county commissioners file their report in writing, which shall be spread upon the minutes of said board, and upon the confirmation of said report by said board said amount so assessed, if any, shall be paid to the said landowner, and all damages so assessed shall be paid by the petitioners who asked for the opening of said road: *Provided*, that said landowner or said petitioners shall have the right to appeal to the superior court of Guilford County from the assessment of damages contained in said report by filing notice of such appeal within ten days from the confirmation of said report by said board, and upon paying the clerk of said board such reasonable sum for making up the transcript of said appeal as shall be fixed by said board.

Proviso: right of appeal.

Township road commissioners.

Term of office.

Duties of commissioners.

Overseers.

Road hands.

SEC. 7. That the said board of county commissioners of Guilford County shall immediately after the passage of this act and on Tuesday after the first Monday in March of each year thereafter, select three competent men residing in each township in said county to act as township commissioners of roads and bridges for said township, who shall hold their office for the term of one year unless removed for cause by the board of county commissioners. The duties of said township commissioners shall be to have charge of the laying out of new roads and opening the same when so ordered by the board of county commissioners, to superintend the altering, widening, straightening and repairing of old roads already laid out, and to have removed all obstructions from same; to select an overseer or overseers of public roads in their respective townships, to assign hands to work the roads under the said overseers, and generally to have in charge all temporary road work in said township.

The powers granted herein to the township commissioners shall not include any oversight or control of the convict forces of the county, or the building of macadamized roads, or permanent bridges therein, but refer only to the temporary or ordinary work upon the public roads of the county. Limit of powers.

SEC. 8. That said township commissioners shall meet at some place designated by them in their respective townships on Friday before the first Monday in each and every month to transact such business as may be necessary for the better working of the public roads of their said townships, including the employment of persons to superintend and perform labor thereon, the purchase of material and the approval of accounts for labor and material theretofore authorized by them. Said township commissioners shall receive for attending said meetings one (\$1) dollar each. Monthly meetings.  
Pay of commis-  
sioners.

SEC. 9. That said township commissioners shall not employ one of their number to work or labor upon the roads under their charge, nor shall they purchase material for the improvement of the roads of their respective townships from any township commissioner of the county. Hiring or con-  
tracting with  
commissioners.

SEC. 10. That on the call of the chairman of the board of county commissioners the said township commissioners and the board of county commissioners of said county shall hold a joint meeting at the court-house in the city of Greensboro for the purpose of conferring and determining upon such plans as they may deem best for the improvement of the public roads of the townships of the county. For their attendance upon said meeting said township commissioners shall receive two (\$2) dollars per day and mileage. Meetings of town-  
ship road com-  
missioners  
and county com-  
missioners.  
Pay of road  
commissioners.

SEC. 11. That on the first Monday of June in each and every year the board of county commissioners of the county shall set apart such amount of the moneys of the county as they deem wise to be used by the township commissioners for temporary work upon the roads of the county, and shall apportion the same among the townships as in their judgment may be best for the improvement of the roads of the county, and the sum so apportioned to each township may be expended by the township commissioners therein for the improvement of the roads thereof, but all bills for labor or material must be made out against the county of Guilford, and, after being approved by said township commissioners, shall be audited by the board of county commissioners of the county before being paid by the treasurer of said county, and said township commissioners shall not exceed in their expenditures for the year the amount apportioned to their respective townships: *Provided*, the county commissioners for good cause shown may, if they deem it best, increase or diminish said apportionment. Apportionment of  
road funds.  
Bills for labor and  
material.  
Limit of expendi-  
tures.  
Proviso: change of  
apportionment.

SEC. 12. That said overseers or agents employed by the board of county commissioners, or by said township commissioners, are hereby authorized to enter upon any uncultivated lands near to Entry on land  
for material.

- Drains or ditches. or adjoining the public roads of the county, to cut and carry away timber (except trees or groves on improved land planted or left for ornament or shade), to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road, and to enter upon any lands adjoining or lying near the road to make such drains or ditches through the same as they may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted toward the nearest watercourse when practicable, and shall be kept open by said overseer or agent, and shall not be obstructed by the owner or occupier of such lands or any other person or persons, and any person so obstructing drains and ditches as aforesaid, shall be guilty of a misdemeanor and upon conviction fined not exceeding ten (\$10) dollars, or imprisoned not exceeding ten days.
- Obstructing drains or ditches a misdemeanor. Punishment. Power to take material. SEC. 13. Said board of county commissioners and said township commissioners, their agents and employees, shall have the power to cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road, bridge, or crossway in the county. They shall, on the demand of the owners of the lands, their agent or agents or the guardian of any ward or the executor or administrator having lands in charge from which timber, stone or gravel were taken as aforesaid, give a certificate showing the quantity of such timber, stone or gravel with the value thereof respectively, and the time and purpose for which the same were taken.
- Certificate of amount. SEC. 14. Any person or persons who shall receive a certificate as provided for in the foregoing section, shall present the same to the county commissioners at any regular session of said commissioners within six months after the taking and carrying away of such timber, stone or gravel, and the commissioners, being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the county treasury, but if not so satisfied, they shall determine what sum in their opinion would be just, if any.
- Payment for material. Road duty. SEC. 15. All able-bodied male persons and all male persons able to perform or cause to be performed the labor herein required, residing in the county and between the ages of twenty-one and forty-five years, except persons disabled or in the military service of this State and all persons actually engaged in the ministry of the gospel, shall be liable annually to do and perform two days labor on the public roads of said county under the direction of the township commissioners of the township in which they shall respectively reside: *Provided*, that if any such person shall pay to the township commissioners in whose township he may reside, the sum of forty-five cents for each day he shall be required to work, the same shall be received in lieu of said work and shall be applied by said township commissioner receiving the same to the improvement of the roads in his township.
- Proviso: commutation.

SEC. 16. It shall be the duty of the overseer of each township to order out every such person resident as aforesaid to do and perform the work aforesaid on the public roads of his township; and if any such person, being personally warned by such overseer or by a written notice left at his usual abode, shall refuse or neglect, having had at least two days notice, except in cases of emergency, then immediate notice to attend, or having attended, shall refuse to obey the directions of the overseer, every such delinquent shall forfeit and pay the sum of one (\$1) dollar for every such offense, and shall also be guilty of a misdemeanor, and upon conviction fined not exceeding (\$5) or imprisoned not exceeding five days.

Overseer to order out hands.

Failure to appear and work a misdemeanor.

Forfeit.

Punishment.

SEC. 17. In case any person shall remove from one township to another, who has prior to such removal performed the whole or any part of the labor aforesaid during the year of removal, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the township commissioner of the township from which he removed, such certificate shall be a complete discharge for the amount of labor or money therein specified, or in case of removal from any other county to this county he shall be credited with the amount of work performed in such other county for that year.

Change of residence.

SEC. 18. Any person called upon to perform labor upon the public roads under any provision of this act shall appear at the place appointed by the overseer at such hour as said overseer shall designate in the forenoon, with such necessary tools and implements as said overseer shall designate.

Tools and implements.

SEC. 19. For the purposes provided for in the preceding sections of this act, the residence of any person who has a family shall be held to be where his family reside, and the residence of any other person shall be held to be where he boards in any township in said county.

Residence de fined.

SEC. 20. The several township commissioners are hereby required to account to the board of county commissioners every six months for all moneys received or expended under this act, and they shall also return a full and true list and statement of the names of all persons within their respective townships who have been ordered out to perform the two days labor as required by this act, and of those who have refused or neglected to perform the same, and those liable for same.

Semi-annual accounts and statements.

SEC. 21. The overseers of roads are authorized to construct foot-bridges, when needed, over streams of water on public roads in the county.

Foot-bridges.

SEC. 22. The township commissioners of each township shall erect and keep up at the forks or crossroads of every county road where necessary a post and guide board or "finger board," containing an inscription in legible letters directing the way and distance

Guide boards.

to the nearest town or towns or public place or places situated on each road, respectively.

Injury to guide boards a misdemeanor.

SEC. 23. If any person shall willfully demolish, throw down, alter or deface any guide board, every person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county, be fined not exceeding ten (\$10) dollars.

Punishment.

Roads regularly laid out.

SEC. 24. No overseer shall perform or cause to be performed labor on any road not regularly laid out and established as a public road according to law.

Notice for road work.

SEC. 25. When the overseer of the roads within his township shall not be able to personally notify persons liable to work the public roads of the day appointed for working the same, he shall leave at the house of such person a written notice specifying the day on which such person is required to attend and the place to meet, the road to be worked and the kind of tool or tools to be brought or used, and the said written summons left as aforesaid shall be deemed sufficient notice to the person required to be notified.

Exemption from road work.

SEC. 26. No person between the ages prescribed shall be exempt from working upon the public roads, except such as are exempt in section fifteen, or such as may be exempt by the board of county commissioners on account of personal infirmity, of which the said board shall be the sole judge.

Ditches or drains across roads.

SEC. 27. It shall be the duty of every owner of a water mill which is situated on any public road in said county, and also of every person who, for the purpose of draining his lands or for any other purpose, shall construct, subject to the approval of the township commissioners, 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 erected or attached to his mill dam 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 public road as long as they may be needed by reason of the continuance of said mill or mill dam, ditch, drain or canal.

Ditches draining on road.

SEC. 28. Whenever any ditch or drain is cut in such way as to turn water into any public road, the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may be necessary to take the water from said road.

Duties of railroad companies.

SEC. 29. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its roadbed or otherwise, or empty the water from its ditches into any public road or highway, and if any railroad company, being warned by the township commissioners or overseer by a written notice left with any agent of said railroad shall refuse or neglect to remedy the same to the acceptance of said township commissioner, it shall be guilty of a misdemeanor, and upon conviction fined a sum not

Refusal or neglect a misdemeanor.

exceeding fifty nor less than twenty dollars; and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this section. Punishment.  
Additional offense.

SEC. 30. It shall be the duty of the township commissioners of each township to cause each railroad company to construct and keep in good repair the roadbed of all public roads across the roadbed of said company, and if any railroad being duly notified by the said township commissioners by a written notice left with any station agent, shall neglect or refuse to construct or repair said roadbed to the acceptance of said township commissioners, it shall be guilty of a misdemeanor and shall be fined a sum not exceeding fifty nor less than twenty dollars; and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said roadbed shall be deemed an additional offense against the provisions of this section. Railroad crossings.  
Notice to railroads.  
Misdemeanor.  
Punishment.  
Additional offense.

SEC. 31. That the judges holding the superior court of said county and the judges of any criminal court held therein shall sentence to a term of imprisonment in the county jail, and to be worked upon the public roads of said county, under the control and keeping of said board of county 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 in such cases as to them shall appear right and proper. Convicts sentenced to road work.  
Proviso: suspension of judgment or fine.

SEC. 32. That the courts held in the cities of High Point and Greensboro or any other incorporated town in the county, and the justices of the peace in said county, are hereby authorized and empowered to sentence to a term of imprisonment in the county jail, to be worked 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 imprisonment for failure to pay fines and costs or either. Convicts to roads from local court.

SEC. 33. That the said board of county 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 by them shall be deemed needful, with power to discharge any of them at any time, without being subjected to action therefor Road engineer.  
Overseers and guards.

at the instance of such person discharged; and all such engineers, overseers and guards shall be paid out of the taxes raised for road purposes such compensation as shall be agreed upon by and between such persons so employed and said board of county commissioners.

Road work for costs or fines.	SEC. 34. 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, the sentence of said person shall be changed by the said judge, or city courts, or justice of the peace to a definite term of imprisonment: <i>Provided</i> , that the county of Guilford shall in no way be responsible for the payment of the fine, and shall only have such cost taxed against it as could have been taxed if the person had originally been sentenced to a definite term of imprisonment.
Proviso: responsibility of county.	
Special road tax districts.	SEC. 35. Special road tax districts may be formed by the county board of commissioners of Guilford County of any township within said county under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed township in whose names real estate in such district is listed in the tax list of the current fiscal year, the board of county commissioners after thirty days notice at the court-house door and three public places in the proposed district shall hold an election to ascertain the will of the people within the proposed special road district, whether there shall be levied in such district a special annual tax of not less than ten cents on the one hundred dollars valuation of property, and thirty cents on the poll to supplement the public road fund which may be apportioned to such township by the county board of commissioners in case such special tax is voted. The board of county commissioners shall appoint a registrar and two poll holders, and shall designate a polling place and order a new registration for such district, and the election shall be held in the district under the law governing general elections, as nearly as may be, and the registrar and poll holders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of said board of county commissioners: <i>Provided</i> , the expense of holding said election shall be paid out of the general road fund of the county. At such election those who are in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For special road tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against special road tax." In case a majority of the qualified voters of the proposed special road tax district are in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the township commissioners of
Petition for election.	
Notice of election.	
Election.	
Rate of tax.	
Election officers.	
Polling place.	
New registration.	
Law governing election.	
Canvass of vote.	
Declaration and certificate of result.	
Record.	
Proviso: expense of election.	
Ballots.	
Effect of election.	
Application of funds.	

such township, and such township commissioners shall expend the same upon the roads of said township in such manner as in their judgment shall be best for the improvement of the roads therein. Upon petition of one-half of the qualified voters residing in any special road tax district established under this section, the board of county commissioners shall order another election in said district for submitting the question of revoking said tax and abolishing said district to be held under the provisions prescribed in this section for holding other elections: *Provided*, that no election for revoking a special road tax in any township shall be ordered and held in said township within less than two years from the date of the election at which the tax was voted and the district established, nor at any time within less than two years after the date of the last election on said question in said district, and if at such election a majority of the qualified voters in said district shall vote "Against special road tax," said tax shall be deemed revoked and shall not be levied, and said district shall be discontinued: *Provided*, that if any township shall by a vote in favor of a special road tax become a special road tax district, then all persons within said township required to work upon the public roads shall become exempt and the roads of that township shall be worked only by taxation.

Election for abolition of district.

Proviso: time of election.

Effect of election.

Proviso: exemption from road duty.

SEC. 36. That chapter five hundred and ninety-nine of the Public Laws of one thousand nine hundred and seven be, and the same is hereby repealed.

Specific repeal of law.

SEC. 37. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

SEC. 38. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

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### CHAPTER 397.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE PAY OF JUSTICES OF THE PEACE OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter two hundred and sixty-nine of the Public Laws of one thousand nine hundred and seven be amended by striking out all of said section two, and insert in lieu thereof the following: Section two, "And the board of commissioners of New Hanover County shall pay full fees in all cases wherein the justices of the peace in said county have not exclusive

Full fees.

original jurisdiction and probable cause is found and the defendants are bound over to a higher court and in said higher court are convicted and sent to the county roads or imprisoned in the county jail.”

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 1st day of March, 1911.

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### CHAPTER 398.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND THIRTY-FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, PERTAINING TO THE DRAINAGE OF THE LOWLANDS OF CLARK'S CREEK AND ITS TRIBUTARIES IN CATAWBA COUNTY, AND SUPPLEMENTAL TO AN ACT RATIFIED JANUARY TWENTY-FIFTH, ONE THOUSAND NINE HUNDRED AND ELEVEN, BEING HOUSE BILL TWO HUNDRED AND FIFTY-SEVEN, SENATE BILL ONE HUNDRED AND NINETY-EIGHT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled “An act to amend chapter six hundred and thirty-five, Public Laws, one thousand and nine hundred and nine, pertaining to the drainage of the lowlands of Clark’s Creek and its tributaries in Catawba County,” it being House Bill two hundred and fifty-seven, Senate Bill one hundred and ninety-eight, ratified January twenty-fifth, one thousand nine hundred and eleven, be and the same is hereby amended as follows: Add at the end of section two of said act, “and except Setzer’s Creek, which empties into the ‘Smyre Mill Creek’ below D. E. Sigman’s residence, shall be excavated and ditched, by said commission, from ‘Smyre Mill Creek’ up to P. A. Hoyle’s line, and the power of taxation shall not exceed further up Setzer’s Creek.

SEC. 2. That chapter six hundred and thirty-five, Public Laws of one thousand nine hundred and nine, be and the same is hereby amended by substituting the following in lieu of section nine (9) of said chapter: “That the term of office of the commissioners authorized by this act shall be one year, beginning on the first Monday in May, and they shall hold office until their successors are elected and qualified by taking an oath to faithfully perform the duties of commissioner. It shall be the duty of the said commissioners to call a meeting of all the landowners, abutting Clark’s Creek and its tributaries, who are liable to tax under this act, to

Setzer’s Creek to be drained.

Term of commissioners.

Annual election of commissioners.

be held at the court-house in Newton, Catawba County, on the first Monday in May, one thousand nine hundred and eleven, and on the first Monday in May of each year thereafter, for the purpose of electing commissioners and transacting any other business authorized by this act. Special meetings may be called at any other time when deemed necessary by the said commissioners, and shall be called upon the petition of twenty of said landowners. It shall be the duty of said commission or commissioners to publish a notice of all annual or special meetings, herein provided for, in some newspaper published in the town of Newton, said county, for four weeks prior to the said meetings, giving the time, place and purpose of said meetings. At all meetings, annual or special, every landowner, liable to tax under this act, shall be entitled to one vote for every ten acres of land, or fraction thereof, owned by him and taxed under this act, and at all such meetings twenty landowners, in person, shall constitute a quorum for the transaction of business. All vacancies in the office of commissioner shall be filled by the said landowners at any meeting, and at any meeting the landowners may authorize the commission to designate one of its members superintendent or manager of the work and to fix his compensation for additional duties. The commission shall attend all the meetings of the landowners. The commissioners now holding office under this act shall hold same until the first Monday in May, one thousand nine hundred and eleven, and until their successors are elected and qualified, and the commissioners now holding office, and their successors in office, shall at each annual meeting, and oftener if called upon by the landowners, make a report of all business transacted by them, showing the progress of the work, and shall render an itemized statement of all receipts and disbursements."

Special meeting of landowners.

Notice of meetings.

Graduated vote.

Quorum.

Vacancies.

Superintendent of work.

Commissioners to attend meetings.

Term of present commissioners.

Reports of work.

Statements of receipts and disbursements.

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

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

Ratified this the 1st day of February, 1911.

#### CHAPTER 399.

AN ACT TO PROHIBIT THE SALE OF LIQUOR WITHIN THREE MILES OF THE MISSIONARY BAPTIST CHURCH AT LAWRENCE'S CROSS ROADS IN BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, persons, firm or corporation to sell or otherwise dispose of for gain, or to

give away spirituous, vinous or malt liquors, wines, ciders, either foreign or domestic, or intoxicating bitters, within three miles of Lawrence's Cross Roads Baptist church in Bertie County.

Misdemeanor.

SEC. 2. That any person, persons, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars or imprisoned not to exceed ninety days, or both, for each and every offense, at the discretion of the court.

Punishment.

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

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 400.

#### AN ACT TO REGULATE THE HUNTING OF FOXES IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person to hunt with gun or dog or trap in the county of Montgomery, any fox between the fifteenth day of January and the fifteenth day of October of each year.

Misdemeanor.

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

Punishment.

SEC. 3. That this act shall apply only to Montgomery County.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 401.

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CABARRUS COUNTY TO HOLD REGULAR MEETINGS.

*The General Assembly of North Carolina do enact:*

Regular meetings.

SECTION 1. That the board of commissioners of Cabarrus County shall hold a regular meeting at the court-house in said county on the first Monday in each and every month, and may adjourn any regular meeting from day to day or to any day in the month until the business before it is disposed of.

Adjourned meetings.

SEC. 2. That no meeting of the board of commissioners of Cabarrus County heretofore held, and no acts done by said board of commissioners in such meeting, shall be invalid because of any defect in the manner of calling or publishing notice of such meeting, or because of such meetings being held on a day other than those heretofore prescribed by law for such meetings. Meetings and acts validated.

SEC. 3. That each commissioner of said Cabarrus County shall receive for his services two dollars per day for all meetings attended and mileage to and from his respective place to place of meeting on the first Monday of each month and also mileage for attending called meetings. Pay of commissioners.

SEC. 4. That said board of commissioners shall have the right and power to designate one or more of its members as a committee to attend to any special duty and such member shall be allowed two dollars per day for his services. Allowance.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 402.

AN ACT TO AMEND SECTION TWENTY-EIGHT HUNDRED AND THREE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO PAY OF WITNESSES IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand eight hundred and three of The Revisal of one thousand nine hundred and nine be and the same is hereby amended by striking out all of said section two thousand eight hundred and three after the words "courts" and the colon in line twenty-nine of said section. Witness fees of practicing physicians.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 403.

AN ACT TO VALIDATE CERTAIN PROBATES AND ACKNOWLEDGMENTS OF DAVID P. STERN, A NOTARY PUBLIC.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all acknowledgments of instruments of writing certifying in due form under the name and notarial seal of David Acknowledgments validated.

P. Stern, notary public, and bearing date between December twenty-first, one thousand nine hundred and nine and December twenty-first, one thousand nine hundred and ten, that he had taken the acknowledgment of parties thereto, are hereby validated, and the same shall be as valid and binding as if the said David P. Stern had between December twenty-first, one thousand nine hundred and nine and December twenty-first, one thousand nine hundred and ten, been a duly appointed and qualified notary public.

Orders for registration and registrations validated.

SEC. 2. That the order for registration by the clerk of the superior court and the registration thereof of all deeds of conveyances and other instruments upon the certificate of David P. Stern, notary public, certifying in due form, under his name and notarial seal, and bearing date between December twenty-first, one thousand nine hundred and nine and December twenty-first, one thousand nine hundred and ten, that he had taken the acknowledgment of the parties to such instruments, together with privy examination of married women parties thereto, are hereby, together with such proof and acknowledgments, privy examinations of married women by, and certificates as David P. Stern, notary public, validated, and the same shall be as valid and binding as if such order for registration by the clerk and registration thereof had been made upon the certificates of and the proof or acknowledgments, together with the privy examination of married women, had been taken by a duly appointed and qualified notary public.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 404.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO WORK CERTAIN CONVICTS ON THE COUNTY FARM FOR SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Convicts subject to work on farm.

SECTION 1. That the board of commissioners of Jackson County are hereby authorized and empowered to receive, have the custody of, and work upon the county farm for said county any person convicted of a misdemeanor in the superior court of said county and sentenced by the court to serve a sentence of not exceeding ten months in the common jail for said county or who may be confined in said jail for the non-payment of costs in any criminal action.

Application for convicts.

SEC. 2. That before the adjournment of any term of criminal court for said county of Jackson the chairman of the board of com-

missioners for said county shall make application to the judge presiding and holding the court, stating the number and character of the prisoners desired and may designate what prisoners would be acceptable to the said board, and the court shall in its discretion enter in such cases as it may think proper a judgment according to the intentions and purposes hereof.

Discretion of court.

SEC. 3. That in all cases where a defendant, after conviction, is confined in the county jail for the nonpayment of costs the said board of commissioners shall, without any special order from the court, have the right, if such defendant be and able-bodied male person, to take and work said defendant on the said county farm until his sentence for nonpayment of costs has expired.

Work in payment of costs.

SEC. 4. That any person convicted in a court of a justice of the peace in said county of Jackson and sentenced to serve a term of days in the county jail and which defendant has not prayed an appeal to the superior court may likewise be worked by said commissioners upon the county farm in their discretion and as they may elect in each individual case.

Convicts sentenced to jail.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 405.

AN ACT TO REPEAL CHAPTER THIRTY-THREE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO FISHING IN BIG CONTENTNEA CREEK IN GREENE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter thirty-three, Public Laws of one thousand nine hundred and five be and the same is hereby repealed.

Law repealed.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 406.

AN ACT TO SECURE COMPULSORY SCHOOL ATTENDANCE IN THE BISCOE GRADED SCHOOL DISTRICT, MONTGOMERY COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That every parent, guardian or other person in the Biscoe graded school district, more particularly described in section

Persons having charge of children to enforce school attendance.

one, chapter three hundred and thirty-eight of the Private Laws of one thousand nine hundred and seven, having charge or control of a child between the ages of seven and thirteen years shall cause such child to attend regularly some day school (public, private or parochial) in which at least the six common school branches of reading, spelling, writing, arithmetic, English and geography are taught for the full school term, not to exceed nine months in each calendar year, or shall provide such child at home or elsewhere with such regular daily instruction during the usual school hours as shall be in the judgment of a court having jurisdiction substantially equivalent in kind and amount to the instruction given the children of like age in the public schools of said district.

Children not regularly employed.

SEC. 2. That every parent, guardian or person in the Biscoe graded school district having charge or control of a child in said district between the ages of thirteen and fifteen, that is not actually, regularly and lawfully engaged in some useful employment or service shall cause said child to attend regularly some day school as aforesaid: *Provided*, that occasional lapses from such attendance by any child between the ages of seven and thirteen or any unemployed child between the ages of thirteen and fifteen years, not amounting to two unexcused absences in four consecutive weeks, shall not be unlawful.

Proviso: occasional absences.

Grounds of excuse.

SEC. 3. That any child between the ages of seven and thirteen years or any unemployed child between the ages of thirteen and fifteen years may be excused temporarily from complying with the provisions of this act, in whole or in part, if it be shown to the satisfaction of a court having jurisdiction that said parent, guardian or person having charge or control of said child is not able, through extreme destitution, to provide or obtain in any way proper clothing for said child, or the said child is mentally or physically incapacitated to attend school for the whole period required or any part thereof, or (if said child is under the age of thirteen years) that the labor of said child is absolutely necessary for the support of its family, or that said child has completed the elementary course of study of the public schools of said graded school district and has received a certificate of credit therefor, or has completed the equivalent of said course in some other school, the same to be determined by an accredited certificate from the principal or teacher of such other school or by an examination to be given said child by the superintendent of the public schools of the said Biscoe graded school district.

Attendance officers.

SEC. 4. That the school trustees of the Biscoe graded school district may appoint or remove at pleasure one or more attendance officers to enforce the provisions of this act, and shall fix the compensation and manner of performance of the duties of such attendance officer or officers, and shall pay them from the public school fund of said district for their services; and the attendance officer

Pay of attendance officers.

or officers as aforesaid shall serve written or printed notices upon the parents, guardians or persons having charge or control of children as aforesaid who violate the provisions of this act that prompt compliance therewith is required; shall, when reasonable doubt exists as to the age of any child in said district, require a properly attested birth certificate or an affidavit stating such child's age, date of birth and physical characteristics; shall have the right to visit and enter any office and factory or business house employing children as aforesaid for the purpose of enforcing the provisions of this act; shall have the right to require a properly attested certificate of the attendance of any child or children at any day school; and shall serve all legal notices and subpoenas of the court and make all required arrests in the cases which they prosecute without further fee or compensation than that paid by the school trustees as aforesaid, and shall carry into effect such other regulations as may lawfully be required by the said school trustees.

Notice to persons having charge of children.

Rights and duties of officers.

SEC. 5. That the school trustees of the Biscoe graded school district may, in its discretion, set apart each year a sum not to exceed one per cent of the entire school fund of said district, which it may use in purchasing books and school supplies for indigent children found by said trustees to be unable to supply themselves with such books and materials.

Books and supplies for indigent children.

SEC. 6. That any parent, guardian or person having control of a child between the ages of seven and fifteen years who shall violate any of the provisions of this act shall be warned as aforesaid, as soon as possible after the beginning of the school term of said district of each year and also at any time thereafter when such violation shall be discovered by the attendance officer herein provided for, to place and keep such child in regular attendance at some day school within three days of the service of such written or printed notice of warning, and upon failure to comply with this act after a lapse of three days from the date of service of said notice of warning, said parent, guardian or person having charge or control of said child shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five dollars and not more than twenty-five dollars, or be imprisoned for not less than two days and not more than thirty days: *Provided*, that said sentence of fine or imprisonment may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the said child be immediately placed and kept in regular attendance in some day school as aforesaid, and such fact of regular attendance shall be subsequently proven to the satisfaction of said court by a properly attested certificate of attendance from the superintendent or teacher of said day school: *Provided, further*, that every day any parent, guardian or other person shall willfully and unlawfully keep such child from school after the expiration of three days from the service of such notice on such

Warning to persons in charge of children.

Failure to comply a misdemeanor.

Punishment.

Proviso: power to remit punishment.

Proviso: additional offense.

parent, guardian or other person having control of said child shall constitute a new and separate offense and shall subject such parent, guardian or other person having control of such child to the penalties herein prescribed.

Publication of act.

SEC. 7. That the school trustees of the Biscoe graded school district shall, during the month of August of each year, publish this act in full for ten days in the *Montgomerian*, a newspaper published in the town of Troy, Montgomery County, North Carolina, or shall post notices thereof in four or more such public places in said graded school district as will in their judgment best give knowledge thereof to the inhabitants of said graded school district.

Employment of children.

SEC. 8. That no child under thirteen years of age residing in the limits of the said Biscoe graded school district shall be employed in any factory, workshop or mercantile establishment or in any other place or manner during the usual school hours in said district unless the person employing such child shall first procure a certificate from the superintendent or teacher of the school said child last attended stating that such child attended school for such current year for the period required by law, or has been excused from attendance as provided in the third section hereof; and it shall be the duty of said superintendent or teacher to furnish such certificate upon application of the parent, guardian or other person having control of such child entitled to the same.

Prosecutions.

SEC. 9. That prosecutions under this act shall be brought in the name of the State of North Carolina before any justice of the peace of the county of Montgomery residing in said graded school district or before the mayor of the town of Biscoe, and the fines collected shall be paid over to the treasurer of the said graded school district and be credited to the permanent school fund of said district.

Fines to permanent school fund.

Records of attendance.

SEC. 10. That an accurate record of the ages, residences and attendance of all children between the ages of seven and thirteen years shall be kept by the teacher of every school, whether public or private, within the said graded school district, showing each day (by the year, month, day of the month and day of the week) such attendance and the number of hours in each day thereof, and each teacher upon whose instruction such child shall attend elsewhere than at school shall keep a like record of such attendance. Such records shall at all times be open to the attendance officer or officers or other persons duly authorized by the school trustees of said graded school district to inspect the same, who may inspect and copy the same; and every teacher shall fully answer all inquiries lawfully made by said school trustees, attendance officers or other persons lawfully authorized by the school trustees as aforesaid, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor, and any person upon conviction thereof shall be fined not less than five dollars nor more than thirty dollars, or imprisoned not more than thirty days for each offense.

Records open to inspection.

Refusal to answer inquiries a misdemeanor.  
Punishment.

SEC. 11. That this act shall be in force from and after the first day of July, one thousand nine hundred and eleven. When act effective.

Ratified this the 1st day of March, 1911.

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CHAPTER 407.

AN ACT REGULATING THE HUNTING OF FOXES IN DUPLIN AND PENDER COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt foxes with gun or dogs or trap or carry out of the State any fox between the fifteenth day of February and the fifteenth day of September of each and every year: *Provided*, that this act shall not prevent any person from killing foxes, when the same are committing depredations upon his property. Close season. Proviso: foxes committing depredations.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not more than thirty days. Misdemeanor. Punishment.

SEC. 3. That this act shall apply only to Duplin and Pender counties. Application of act.

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

Ratified this the 1st day of March, 1911.

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CHAPTER 408.

AN ACT FOR THE ENFORCEMENT OF THE GAME LAW IN THE COUNTY OF GRANVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Thornwell Lanier, N. E. Faucett, J. B. Mayes, J. N. Watkins and R. T. Gregory be and they are hereby constituted the board of game commissioners for the county of Granville for the better protection and preservation of game in said county, and to secure the better enforcement of the game laws of said county, and they shall hold office for the term of two years and until their successors have been duly appointed or elected and qualified. That said board, after its qualification, shall organize by selecting a chairman and secretary from among their number, and shall elect a treasurer. Game commissioners named. Duties. Term of office. Organization.

SEC. 2. That said game commissioners shall prescribe the form of license for nonresident hunters and shall furnish to the clerk of the

superior court all licenses, record books and other blanks under the game law.

Application for license.

SEC. 3. Any nonresident of the State of North Carolina who desires to hunt, shoot or trap birds or other animals in any part of said county shall make application to the clerk of the superior court of said county, who shall issue such license upon payment of a tax of ten dollars, and the clerk's fees, amounting to fifty cents. The license shall expire on the termination of the hunting season, as fixed for said county.

License fee.

Term of license.

Fund for enforcement of game law.

SEC. 4. The funds received by the clerk of the superior court from the sale of hunters' licenses shall be turned over to the treasurer of said board of game commissioners, and used as a fund for the enforcement of the game laws of said county. And at the end of the open season, after paying the costs of enforcement of said laws, the balance of this fund, if any, shall be turned over to the school fund of said county.

Balance to school fund.

Chief game warden.

SEC. 5. Said board of game commissioners shall on the first Monday in May, one thousand nine hundred and eleven, and biennially thereafter, appoint a chief game warden for said county, who shall hold his office for a term of two years. That it shall be the duty of said game warden to diligently enforce the game laws of said county: *Provided*, the said board shall have power to remove said game warden without cause, in its discretion.

Term.

Duty.

Proviso: power to remove warden.

Deputy game wardens.

SEC. 6. That said board may also appoint for each township in said county one or more deputy game wardens, with power of removal without cause.

Game wardens to qualify and give bond.

SEC. 7. That the chief game warden and deputy game wardens so appointed shall, before entering upon the duties of their office, take and subscribe an oath to perform faithfully the duties of said office, and shall execute a bond in the sum of one hundred dollars, conditioned upon the faithful discharge of said duties, and for the payment of all sums as shall come into their hands by virtue of their office, and the chief game warden and deputy game wardens so qualified shall possess and exercise the powers and authority now exercised by constables at common law, and under statute of this State.

Powers and authority.

Bond of treasurer.

SEC. 8. That the treasurer shall enter into bond in the sum of five hundred dollars.

Pay of game warden.

SEC. 9. That the chief game warden and the deputy game warden shall receive the sum of two and one-half dollars for each nonresident license procured for such nonresident hunter, and the said board of game commissioners may allow such sum to the chief game warden and deputy game wardens for convictions for violation of the game law as may be deemed best, such sums to be paid out of the fund for the enforcement of the game law.

Game laws.

SEC. 10. That the provisions of law relative to hunting, as contained in The Revisal of one thousand nine hundred and five, apply-

ing to Granville County, and amendments thereto, shall continue to be in full force and effect.

SEC. 11. That if any person shall be found with dog and gun off his own premises between the first day of February and the first day of November, it shall be *prima facie* evidence of unlawful hunting.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 409.

AN ACT TO AMEND SECTION ONE THOUSAND EIGHT HUNDRED AND EIGHTY-TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO HUNTING SQUIRRELS IN DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand eight hundred and eighty-two of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding to the end thereof: "Duplin County, from the first day of February to the first day of November: *Provided*, that nothing in this act shall prevent the owner or the actual tenant of the owner of growing crops from killing squirrels when such squirrels are upon the crop of such owner or tenant, in the act of destroying same."

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 410.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE IMPROVEMENT OF THE HIGHWAYS OF HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend section one of chapter eight hundred and forty-six, Public Laws of one thousand nine hundred and nine, by striking out in line five thereof the word "one" and inserting in lieu thereof the word "three."

Election for less amount.

SEC. 2. Add at the end of section eighteen the following: "the board of commissioners of Halifax County are hereby authorized and empowered to call an election under this act for any less amount than three hundred thousand dollars, as they may see fit."

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

Ratified this the 1st day of March, 1911.

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## CHAPTER 411.

### AN ACT TO PROVIDE FOR BETTER ROADS IN LANESBORO TOWNSHIP IN ANSON COUNTY, PRECINCT NUMBER TWO.

*The General Assembly of North Carolina do enact:*

Boundary defined.

SECTION 1. That all roads in Lanesboro Township, in Anson County, Precinct Number Two, said precinct being a part of said Lanesboro Township and being the part lying west of a straight line from a point in the White Store Township line passing straight through the H. T. Knott's store place and the cross roads at the residence of the late J. W. Beachem to the Burnsville Township line. The justice of the peace of said precinct and J. W. Carpenter, J. A. Redfern, E. E. Barrett and Marcus Caudle shall have the supervision and control of the public roads of said precinct and they are hereby incorporated under the name of supervisors of public roads of said precinct, and in such name they shall have the right to sue and be sued, plead and be impleaded, contract and be contracted with, and be entitled to the privileges given to other corporations by the General Assembly of North Carolina.

Supervisors.

Incorporation.

Corporate name.

Corporate powers.

Semi-annual meetings.

Proviso: called meetings.

Organization.

2. That the said board of supervisors of said precinct shall meet in the town of Peachland, Anson County, on the second Monday in February and August in each year: *Provided*, that the chairman may call a meeting when necessary. They shall elect at their August meeting in each year one of their number chairman and one secretary. It shall be the duty of the chairman to preside at such meetings. The secretary shall keep a correct record of all their proceedings.

Power to discontinue or alter roads.

SEC. 3. The supervisors of the public roads of said Precinct Number Two shall have power and authority within said precinct to discontinue such roads as are found to be useless and to alter and change roads so as to make them more useful. This may be done at any regular called meeting of the supervisors of said precinct.

Bridges a charge on county.

SEC. 4. When a bridge shall be necessary and the supervisors with the road hands can not conveniently make it, the supervisors of said precinct, with the concurrence of the board of county commissioners, shall contract for the building, keeping and repairing

thereof, and the same shall be a charge on the county and not to the road fund of said Precinct Number Two in Lanesboro Township, hereinafter provided for. Every contract and order by the board of precinct supervisors and county commissioners, entered into or made as authorized by this act, for or concerning the building, keeping or repairing bridges in such manner as to them may seem proper, shall be valid against the county.

Contracts and orders binding on county.

SEC. 5. If any person be settled upon or cultivating any land, or shall own any standing timber 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, praying for a cartway to be kept open across such other persons' lands leading to some public road, 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 objection of the adverse party or parties, and if sufficient reason be shown, shall order the constable to summon a jury of five 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 cartways so established shall be kept open for the free passage of all persons on foot, horseback, carts or 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 the 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 superior court of Anson County.

Petition for cartways.

Hearing.

Jury to lay off cartway and assess damage.

Proviso: Hearing if notice not given.

Appeals.

SEC. 6. Cartways laid off according to the provisions of this act may be changed or discontinued upon application of any person concerned under the same rules of proceedings as they were first laid off and upon such terms as the board of supervisors may deem equitable and just. And any person through whose land 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 be maliciously done, he shall be guilty of a misdemeanor.

Change or discontinuance of cartways.

Gates across cartways.

Forfeit.

Misdemeanor.

SEC. 7. If any person shall alter, obstruct or change cartway, mill road or road leading to and from any church or other place of public worship, whether the right-of-way thereto be secured in the manner herein provided or by purchase, donations 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 working 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, in the discretion of the court.

Change or obstruction of cartway a misdemeanor.

Punishment.

Hindrance to road work a misdemeanor.

Punishment.

- Special road tax. SEC. 8. The board of commissioners of Anson County shall annually levy a special road tax for Precinct Number Two in Lanesboro Township, at the same time of the levy made by them for State and county purposes of twenty-five cents on the one hundred dollars worth of property and seventy-five cents on the poll and paid over to the treasurer of Anson County, who shall keep the same separate and apart from all other taxes and shall be paid out by him only on the order of the supervisors of public roads of Precinct Number Two, Lanesboro Township, signed by their chairman and secretary: *Provided*, that taxes levied under this section shall not in any one year exceed twenty-five cents on the one hundred dollars worth of property subject to general taxation in said precinct, and seventy-five cents on such polls as are subject to taxation in all such levies of taxes, the constitutional equation between polls and property being observed: *Provided*, that the special Anson County road tax of twenty-five cents on the one hundred dollars worth of property and the seventy-five cents on the polls, so far as Precinct Number Two in Lanesboro Township is concerned, is hereby repealed.
- Rate.
- Separate fund.
- Orders on road funds.
- Proviso: limit of road tax.
- Constitutional equation.  
Proviso: county road tax repealed as to precinct.
- Levy and collection of tax. SEC. 9. The board of commissioners of Anson County shall, at the time of the levy of taxes made by them for general county purposes upon all the taxable property and polls in said Precinct Number Two, Lanesboro Township, whether such property belongs to citizens of incorporated towns or otherwise, and whether such property be taxed to repair streets in such towns or otherwise, which taxes shall be included in a separate column of the tax books, and shall be collected by the sheriff at the same time and in the same manner as the taxes for general county purposes in the year one thousand nine hundred and eleven, and annually thereafter, levy a special road tax for Precinct Number Two, Lanesboro Township, in accordance with the preceding section, of twenty-five cents on the one hundred dollars worth of property and seventy-five cents on each poll.
- Tax rate.
- Supervisors to be notified of tax rate.
- Tax lists.
- Road districts.
- Superintendents.  
Allotment of hands.  
Notice to overseers.
- SEC. 10. That the board of county commissioners within thirty days after their June session, shall notify the chairman of the board of township supervisors of the amount levied and assessed for road purposes in said precinct and shall within sixty days from said June session make out a list of the names of each taxpayer of the amount of the road tax with which each stands charged, and transmit the same to the said board of precinct supervisors.
- SEC. 11. The said board of supervisors shall annually at their August meeting divide the roads of their precincts into districts of two or more sections—a road district to consist of such a number of road sections as the board may determine. They shall appoint superintendents of each district, they shall at the same time allot the road hands to each section and shall also designate the boundaries of each district, and shall within ten days after such meeting certify to such overseer or superintendent written notice of his

appointment with list of hands assigned to each section under his charge, and shall give to each superintendent or overseer such written instructions as they may deem necessary as to the mode or manner of working the roads of his district: *Provided*, that the board of supervisors may at any time alter the districts and sections or allotment, but shall give notice thereof to the superintendent or overseer.

Written instructions.

Proviso: alterations of districts and allotments.

SEC. 12. The superintendent or overseer shall serve and be liable for neglect of duty until he shall be relieved by the board, which shall be done only upon his showing that the sections of road in his district are in good condition and that he has complied with the instructions given him by the board of supervisors. That said superintendents or overseers shall be chosen or elected by the supervisors of said precinct. The superintendents or overseers may resign after the expiration of twelve months, provided the sections of road in his district shall be in good repair and the board of supervisors shall so find. Any person appointed as superintendent or overseer as provided herein, who shall refuse or neglect to qualify as such, shall forfeit and pay the sum of ten dollars and cost, to be collected by supervisor in an action for debt, and the offender shall be guilty of a misdemeanor. Money so collected shall go into the road fund of the precinct and be credited to the district of which he was appointed superintendent or overseer. That when any vacancy shall occur in the office of superintendent or overseer by death, resignation or otherwise, the supervisor shall, as soon as notified, appoint some suitable person to fill the vacancy.

Service and liability of overseers.

Election of superintendents or overseers.

Right to resign.

Forfeit for neglect or refusal to qualify.

Misdemeanor.

Penalties to road fund.

Vacancies.

SEC. 13. Said superintendent shall meet with the board of supervisors at their regular meetings and make reports to them of the condition and needs of the sections of their respective districts and receive such instructions as said board may deem necessary to give them.

Superintendent to meet with supervisors.

Reports and instructions.

SEC. 14. The board of supervisors are hereby empowered and authorized to furnish such blasting material, blasting tools, road plows, scrapes, lumber and such other tools and materials as in their judgment the road interests of the precinct require, and pay for the same out of the road fund herein provided for. The supervisors shall furnish to each superintendent of a district such implements, tools, lumber, and other material as they may deem of service on such division, and shall take a receipt from each superintendent for such implements, tools and material as they may furnish to him, showing the number, kind and condition thereof, and such superintendents shall be liable for any injury or damage that may result to such implements or tools 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. Any superintendent who shall misappropriate any tools, lumber or other material except as hereinbefore set forth, shall be guilty of a misdemeanor. Said

Material and tools.

Receipts from superintendents.

Liability of superintendents.

Misappropriation a misdemeanor.

- Annual returns. superintendents shall annually, at the August meeting of the supervisors, return such tools or material to the supervisors or to the successor of said superintendent as the board may direct. The amount for which such superintendent may be liable for such improper use or neglect may be recovered in the name of the present supervisor. That all able-bodied male persons between the age of eighteen and forty-five years shall be required annually to perform six days labor on the public roads under the direction and control of the superintendent or overseer of the section to which he is assigned: *Provided*, that any such person may be discharged upon payment of the superintendent of the road section wherever he may reside one dollar per day previous to the time set for work. The same shall be received in lieu of labor and shall be applied by the superintendent receiving the same to the improvement of the section of road on which he was allotted and accounted for by said superintendent in his settlement with the board of supervisors.
- Recovery from delinquent superintendents. Road duty. Exemption from road work. Proviso: commutation. Exemption from road work. SEC. 15. No person between the ages prescribed shall be exempted from working the public roads of said precinct, except the members of the board of road supervisors, and such others as are exempted by this act and such as shall be exempted by the General Assembly or by the board of supervisors, on account of personal infirmity, of which the board shall be sole judge.
- Superintendents to warn out hands. Intervals of work. SEC. 16. The superintendents of said road district shall as often as the sections of his district may require, subject to limitations contained in this act, warn out his hands, and work said sections, to the greatest benefit of the district. Said superintendents of districts or road sections, shall as often as is necessary, subject to the limitation herein contained, summon the hands of the various sections, working two days at a time on a section, but 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 working except in case of special damage to the road, on account of storms or freshets, and that no hand shall be required to work on any section other than the section to which he is allotted. The notice shall be at least two days before the day named for the work, and shall state the place and the hour of the meeting of the hands and what implement the hands shall bring with them. Every person liable to work on the road who has been so summoned, shall appear at the time and place named with the instrument directed, and shall work on the road under the overseer or superintendent until discharged by him: *Provided*, that no hand shall be required to work less than seven hours nor more than ten in any one day: *Provided, further*, that any person furnishing an able-bodied hand in his stead shall have complied with this requirement.
- Emergency work. Notice. Persons liable to appear and work. Proviso: day's work. Proviso: substitutes. Forfeit for failure to attend and work. SEC. 17. Any person liable to work on the road being personally warned by the superintendent or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two

days notice to attend by himself or an able-bodied substitute acceptable by the superintendent or overseer with such tool as the superintendent may direct, or having attended, shall refuse to obey the directions of the overseer or superintendent, or shall spend the time in idleness or any inattention or neglect of the duties assigned him. Every such delinquent shall forfeit and pay the sum of one dollar for every such offense and shall further be liable in all cases of non-attendance to the amount of six days work to be recorded by any justice of the peace in said precinct at the suit of the superintendent in whose district he may reside, and also be guilty of a misdemeanor and fined not exceeding five dollars and all costs of action and imprisoned not exceeding ten days, and the money so collected by the superintendent shall be applied by said superintendent to the improvement of the section of road on which said hand was allotted and accounted for by him in his annual settlement with the precinct supervisors: *Provided*, that no person shall be released from the performance of labor on the public roads by reason of the neglect of any superintendent or overseer to order out such person.

Misdemeanor.  
Punishment.  
Moneys to road fund.  
Proviso: neglect of overseer.

SEC. 18. That in case any person shall remove from one district to another who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way the whole or any part of the amount aforesaid in lieu of such labor and shall produce a certificate of the same from the overseer or superintendent of the proper district, such certificate shall be a complete discharge for the amount herein specified.

Change of residence.

SEC. 19. That for the purposes provided for in this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district.

Residence defined.

SEC. 20. Every superintendent or overseer shall immediately on default being made by any road hand, or any of the duties herein required of said hands shall at once make report to some justice of the peace in said precinct, who shall issue a warrant for the arrest of any such hand and put him on trial for the offense. All fines or forfeitures collected shall be applied by said superintendent to the improvement of the roads of his district, and accounted for by him in his annual settlement with the board of supervisors.

Prosecution of delinquents.  
Fines and forfeitures to road fund.

SEC. 21. Every overseer shall at the August meeting of the supervisors make written report of the present condition of his road, of the number of days worked on his section during the year, of the number of hands who attended and worked each day, of the number and names of hands who failed to work, whether or not they were legally summoned, and whether or not they paid the dollar per day as provided. Such report shall be duly sworn to before some person authorized to administer an oath.

Annual reports of overseers.  
Reports to be verified.

SEC. 22. If any overseer shall fail to discharge any one of the duties imposed by this act he shall be guilty of a misdemeanor and

Failure of duty by overseer a misdemeanor.

- Punishment. on conviction shall be fined seven dollars, and in default of payment of fine and costs shall be imprisoned not exceeding ten days.
- Fine to road fund. Said fine to be applied to the district of which overseer has charge.
- Prosecution of delinquent overseer. In case of overseer or superintendent failing to make report to the board of supervisors as provided, it shall be the duty of the chairman of such board to immediately upon such failure, issue his warrant for the arrest of said overseer or superintendent and proceed to try him for the offense.
- Width of roads and bridges. SEC. 23. All roads except such as are causeways or through cuts shall not be less than eighteen feet wide between ditches, clear of trees, logs, stumps and other obstructions to the passage of ordinary vehicles, whereby the superintendent may deem it expedient to repair the said causeways. They shall be at least fourteen feet wide, and earth necessary to raise or cover them shall be taken from either hand, so as to form a drain on each side of the causeway, and they shall make of the same width necessary bridges through swamps or over streams of water, and may lawfully cut poles and other necessary timber for making necessary bridges and causeways.
- Material.
- Duties of superintendents. SEC. 24. It shall be the duty of each and every superintendent to open all public roads which have been or may hereafter be laid out and established in his road district, keep the same in repair, and remove or cause to be removed all obstructions that may from time to time be found thereon, for which purpose the superintendents are hereby authorized to enter upon any uncultivated lands, unencumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or growths on improved lands, planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road to make such drains through the same, as he may deem necessary for the benefit of the roads, doing as little injury to the said lands and timber as the nature of the case and the public good will permit. And the drains or ditches so made shall be kept open by said superintendent and shall not be obstructed by the owner or occupant of said lands, or any other person or persons having the same in charge under the penalty of the sum of ten dollars for each and every offense to be collected by the superintendent and used by him for the improvement of the roads of his district and accounted for in his annual settlement with the supervisors.
- Entry on land for material.
- Drains.
- Penalty for obstructing drains or ditches.
- Certificates for material. SEC. 25. That each and every superintendent who shall cut and take any timber or stone for the purpose of repairing or making any road or crossway within his district, shall on the demand of the owner of the land, their agents or legal representatives having lands in charge, from which timber was taken as aforesaid, shall give a certificate showing the quantity of such timber with the presumptive value thereof respectively, and the time and purpose for which same was taken.

SEC. 26. That any person or persons who shall receive a certificate as in the foregoing section, provided they shall at the next regular meeting present the same to the board of supervisors who being satisfied that the amount claimed is just and equitable, shall cause the same to be paid out of any moneys of the road fund of the precinct not otherwise appropriated, but if not satisfied they shall determine what sum, in their judgment, would be just and fair and order the same paid as hereinbefore provided.

Payment for material.

SEC. 27. Every superintendent shall cause to be made and kept in repair, good and sufficient footways over all swamps and streams of water that may cross the roads of his district, and when the supervisor of said precinct shall so direct, shall also erect and keep handrails on each side of all or any hollow bridges situated on such part of his road.

Footways and handrails.

SEC. 28. Each superintendent or overseer shall cause to be set up at the forks of their respective roads, a post 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 near as may be computed, and every overseer or superintendent who shall fail for ten days after notice of his appointment, or neglect to keep the same in repair, shall forfeit and pay for any such neglect ten dollars. It shall be the duty of superintendents to establish highwater marks or signals on both sides of all creeks or streams which are used for ford on public roads, and to fix same and to keep same in repair. That any overseer or superintendent failing to carry out this provision shall be guilty of a misdemeanor and fined not more than ten dollars.

Guide posts.

Forfeit for failure to keep up.

Highwater marks.

Failure a misdemeanor.  
Punishment.

SEC. 29. Every superintendent shall cause his road to be exactly measured, where it has not already been done, and at the end of each mile mark in a plain and legible manner the number of miles, beginning, continuing and making numbers in such manner as the board of supervisors may direct. Every superintendent shall keep up and repair such work and numbers of his road. If a superintendent shall neglect any of the duties prescribed in this section for the space of thirty days after being notified of his appointment, he shall forfeit and pay four dollars, and a like sum for every thirty days thereafter that the said duty may be neglected. Every superintendent who shall neglect to do any other duty directed by this act to be done, or the orders of the board of supervisors, shall forfeit and pay four dollars for every such offense.

Roads to be measured.

Mile posts.

Forfeit by overseer for neglect of duty.

SEC. 30. That if any person shall wantonly or willfully remove, break down, demolish, alter, deface or in any other manner damage any guide, sign board, mile post or high water mark, he shall upon conviction thereof before any justice of the peace of said precinct be fined in a sum not exceeding twenty-five dollars nor less than five dollars and costs of the suit, and may be deemed guilty of a misdemeanor and upon default of payment of fine and costs shall

Injury to posts or marks a misdemeanor.

Punishment.

Fines to road fund.	be imprisoned not more than thirty days, and the money when collected by the justice of the peace collecting the same shall be paid over to the superintendent in whose district the offense was committed and be by him applied to the improvement of his district and accounted for by him in his settlement with the board of supervisors.
Ditches crossing roads.	SEC. 31. That it shall be the duty of landowners, who cut ditches across public roads for the draining of his lands or other purposes, and where said ditches are not a benefit to the public roads, that said ditches shall be bridged and kept up by the owners and subsequent owners of said land: <i>Provided</i> , that when any ditch or drain is cut in such way as to turn water into any public road, the person cutting such ditch or drain shall cut other such ditch or drain as may be necessary to take the water from the said road. Any person failing to cut such ditch or drain to take such water from the public road shall be guilty of a misdemeanor and shall be fined not exceeding ten dollars and costs to be applied to the roads of the district in which such duty was neglected. Upon default of payment of said fine and costs the party offending may be imprisoned not exceeding ten days.
Proviso: ditches draining on roads.	
Misdemeanor. Punishment.	SEC. 32. Every person who shall fail to perform the duties imposed on him, 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 damages as may be sustained, and moreover shall be guilty of a misdemeanor and shall be fined not exceeding twenty-five dollars and costs.
Liability for damages.	SEC. 33. It shall be unlawful for any railroad company or other corporation, by its servant or servants, agent or agents, employee or employees to in any manner obstruct any public road or highway, or the drainage of any public road or highway by its roadbed or otherwise, or empty the water from its ditches into any public road or highway, and such railroad company or other corporation shall construct and keep in good repair the roadbeds of all public roads across the roadbeds of said railroad company, and if any railroad company or other corporation being duly warned by the superintendent of the proper road district, by leaving a written notice with any agent, or informing any station agent of said company personally, shall refuse or neglect to remedy the defect, or to construct or repair said roadbed to the acceptance of the superintendent, shall forfeit and pay a sum not more than fifty dollars nor less than twenty-five dollars, to be recovered by an action at the suit of the district superintendent before any justice of the peace of the precinct, and every ten days such railroad company or other corporation, after being notified, shall neglect or refuse to remedy such offense, shall be deemed an additional offense against the provisions of this section; and the money so collected shall be paid to the superintendent of the district in which
Misdemeanor. Punishment.	
Railroad companies.	
Railroad crossings.	
Forfeits by railroad companies.	
Action for recovery. Additional offense.	
Penalties to road fund.	

the provisions of this section were violated, and the money so paid over shall be used by said superintendent for the improvement of the roads of his district and accounted for in his annual settlement with the supervisor.

SEC. 34. That the several superintendents within their respective districts shall collect by suit, or otherwise, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for. And they are hereby authorized and required before their annual settlement with the township supervisors, to prosecute to final judgment, all persons neglecting or refusing to comply with the provisions of this act, from whom such fines, forfeitures or penalties in the opinion of the superintendent can be collected by execution, and the said judgment if not paid together with the costs thereon shall remain and be in force against the judgment debtor as other judgments of law.

Collection of  
fines, forfeitures  
and penalties.

Judgments.

SEC. 35. That the several district superintendents shall expend all moneys by them collected for the benefit of the roads and highways of their respective districts, and every superintendent is hereby required to account to the township supervisors at their annual settlement in August of each and every year, for all moneys received or expended under the provisions of this act.

Expenditure of  
moneys.

Accounts.

SEC. 36. All fines and forfeitures sued for and recovered under the provisions of this act, shall be paid over on demand by the justice of the peace or constable collecting the same, to the superintendent of such road district, wherein such fines or forfeitures accrued, and the several superintendents shall also render an account to the township supervisors at their annual settlement of all moneys that remain in their hands at the time of the settlement, also all judgments that remain unpaid and the name of the judgment debtor and the justice of the peace before whom such judgments were rendered, with the amount thereof, and the board of supervisors shall make such order as to the prosecution of the suits by the superintendent of the proper district against such delinquents as in their judgment the interest of the precinct may require or demand.

Moneys paid  
to road super-  
intendents.

Accounts of  
superintendents.

Orders by  
supervisors.

SEC. 37. That each superintendent of each road district in addition to the free labor on the roads by the road hands as herein provided for, shall, by the direction and subject to the approval of the board of precinct supervisors, whenever the same is necessary to keep his road in good repair and condition, employ any or such hands assigned to his district, or such other persons as he can, to work on the roads of his district as hired laborers, at such compensation per diem as the board of supervisors may direct, and he shall draw his order on the board of supervisors for the amount due each hand, which order, when presented to said board, shall be paid out of the road fund provided for in this act.

Employment of  
labor.

Compensation.

Discrimination by superintendent a misdemeanor.

Punishment.

SEC. 38. That any superintendent who shall discriminate in favor of himself or relatives or friends, or show any favoritism in said expenditures, shall be guilty of a misdemeanor and be fined not exceeding twenty-five dollars for every such offense.

Apportionment of road funds.

SEC. 39. The board of supervisors of the precinct in determining the division of the road fund herein provided for, may be governed by the necessities of the roads, the cost of making repairs, the convenience of obtaining material, the quality of material necessary to make substantial repairs, and make a just and equitable division of said fund between the several districts in the precinct.

Labor in discharge of road tax.

SEC. 40. That any person charged with a road tax may discharge the same by labor on the section of road to which he or his place is allotted, provided his services are entirely satisfactory to the superintendent in charge of said section. Any person performing labor as herein provided in payment of road taxes, shall be allowed such compensation per diem as the board of supervisors allow other hired laborers and a ratable allowance per day for any team, implement or material furnished by any such person under the direction of the superintendent of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district in which the labor was performed, also the section on which it 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: *Provided*, said work shall have been done prior to the fifteenth day of November in the year in which road tax was levied and assessed.

Compensation.

Allowance for teams, implements and material.

Certificates.

Certificates receivable as money.

Proviso: time of work.

Acts or omissions of overseer constituting misdemeanor.

SEC. 41. That each and every superintendent or overseer who shall neglect or refuse to perform the several duties required of them by this act, or who shall under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor and work performed, or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, or shall fail or refuse to account to the precinct supervisors for any money which may have come into his hands belonging to the road fund of the precinct, or shall enter into any collusion or combine with any person or persons who shall be liable to perform labor on the public roads or pay road tax, whereby the interest and purpose of this act may be evaded or defeated, or permit or allow any person in the performance of road labor in payment of the six days required by this act, or in the discharge of road tax to spend the time in idleness or any inattention to duties assigned him, or permit the use of worthless or inefficient tools, may be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of said precinct shall forfeit and pay for every such offense a sum not less than ten dollars nor more than fifty dollars, and may be imprisoned not

Punishment.

less than ten days nor more than thirty days, and in the discretion of the supervisor may be removed and the vacancy filled by the said supervisors: *Provided*, that if either party conceives himself aggrieved by the judgment of the justice of the peace, he may, on giving bond with sufficient security to said justice of the peace for the payment of costs, appeal to the superior court of Anson County, who shall make such orders therein as may appear just and reasonable. It is hereby made the duty of the precinct supervisor to strictly enforce the provisions of this act and to prosecute all offenses against the provisions of the same.

Removal.

Proviso: right of appeal.

Bond on appeal.

Duty of supervisor.

SEC. 42. That the superintendents or overseers of the various districts of the precincts shall receive such compensation for their services as they and the board of supervisors of the precinct may agree upon.

Pay of superintendents or overseers.

SEC. 43. The board of precinct supervisors of Precinct No. 2, Lanesboro Township, shall keep a true and accurate account of all funds and the purpose for which the same is expended, in a book kept for that purpose, and the same shall at all times be open to the inspection of any person desiring to see the same. They shall also keep a correct inventory of all the tools and other property bought for road purposes, and shall require a receipt from every superintendent receiving the same, and such superintendent shall be individually liable for any property turned over to him, and shall receive no pay for his services until he has satisfactorily accounted for all such property or funds that may have come into his hands.

Accounts of supervisors.

Accounts open to inspection.

Inventories and receipts.

Liabilities of overseers.

SEC. 44. The board of supervisors of said precincts shall, within ten days after their August meeting furnish the constable with two copies of each order appointing superintendents or overseers that may have been made during the said meeting, and the said constable shall apply to the secretary of said board within ten days after said meeting of the board for such orders, and on receiving them shall within the next ten days serve the same by delivering a copy to the superintendent or overseer, or leaving 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 service endorsed thereon or the date when it was left at the residence of said superintendent or overseer. And if the board of supervisors or township constable shall fail to perform any duty enjoined by this section, he shall pay ten dollars to be recovered at any time for the use of the road fund of the precinct: *Provided*, the delivery to the superintendent or overseer of the copy of orders shall be deemed and held to be a legal service of the same. The cost of serving such orders shall be paid by the board of supervisors out of the precinct road fund.

Notice of appointment to superintendents or overseers.

Return.

Penalty for failure of duty.

Proviso: legal service.

Cost of service.

SEC. 45. The board of supervisors of said precinct shall at least once in each year during the week of their August meeting or at such other time as they may deem best, go over and personally examine all the roads of their precinct.

Annual inspection of road.

Copy of tax lists.

SEC. 46. The board of supervisors of said precinct shall cause their secretary to make a copy for each district superintendent of the list of names of each taxpayer of the amount of road tax with which each stands charged in his district, from the lists hereinbefore required to be furnished by the board of commissioners of Anson County to the board of supervisors of said precinct.

Annual settlements with county treasurer.

SEC. 47. The board of supervisors shall annually during the month of August, and prior to their August meeting, by their chairman and secretary, make final settlement with the county treasurer of the road fund, together with a list of the certificates of each road superintendent for labor performed on the roads in payment of road tax as provided for in this act. They shall carefully compare such certificates with the tax lists in the possession of the sheriff or tax collector, and note any discrepancy therein, and shall file the same. They shall also make annual settlements with the road superintendents of the precincts, and when approved by the board, pay to each of said superintendents such sums as may be due them, taking receipt therefor.

Annual settlements with road superintendents.

Record and account books.

SEC. 48. That the said board of supervisors of said precincts shall procure the necessary books, in which they shall require the secretary to record the minutes and correct accounts of all their orders and transactions, as well as a record of all the moneys received and disbursed on account of the road tax herein provided for. They shall disburse such funds only by an order on the county treasurer signed by the chairman and secretary.

Orders for money.

Annual reports to superior court.

SEC. 49. Said board of supervisors shall annually make report to the first term of the superior court of Anson County after the second Monday in August, of the condition of the roads of said Precinct No. 2, in Lanesboro Township, of the meetings held by said board, together with the amount of road tax collected and disbursed.

Pay of supervisors.

SEC. 50. That said board of supervisors shall not be paid exceeding one dollar per day nor for more than four days in any one year for services herein required of them, and shall not be required to work any of the six days free labor, but shall pay the road tax as others are required to do. But the said board may pay the secretary such additional sum as may be fair and just for the services required of him.

Pay of secretary.

Refusal or failure to perform duty a misdemeanor.

Punishment.

SEC. 51. Any board of supervisors or any member thereof refusing or failing to perform the duties imposed by this act, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, to be recovered for use of road fund of said precinct.

Expenses payable from road fund.

SEC. 52. That any and all expenses incurred by the county commissioners of Anson County imposed by this act, shall be paid on their order out of the road fund in said precinct.

Secretary of State to furnish copies of act.

SEC. 53. That the Secretary of State shall furnish one hundred copies of this act to the board of supervisors of said precinct No. 2, Lanesboro Township, Anson County.

SEC. 54. That said justices of the peace of said precinct, together with J. W. Carpenter, J. A. Redfern, E. E. Barrett and Marcus Caudle, shall be known as the board of supervisors for said precinct until their successors are elected and qualified. But if there should be no candidates for said office at the next general county election, then it shall be the duty of the representative from Anson County in the Legislature to appoint three capable and business-like men, who are known to be favorable to good roads, to serve in connection with the justices of the peace as supervisors of said precinct for the term of two years, or until their successors are elected and qualified or appointed as aforesaid.

Justices made supervisors.

Election of successors.

SEC. 55. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 56. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 412.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND NINETY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AND CHAPTER NINE HUNDRED AND TWENTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO PRIMARY ELECTIONS IN NASH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and ninety-four of the Public Laws of one thousand nine hundred and nine entitled "An act to regulate primary elections in Halifax and Nash Counties," be and the same is hereby amended by adding thereto two new sections, as follows:

"Sec. 20. *Provided, however,* that none of the provisions of this act shall be effective or in force in Nash County until and unless the executive committee of the political party, association or organization desiring to hold a primary election hereunder, shall by resolution, adopted at a regular or called meeting of such executive committee adopt the provisions of this act, for the regulation of the primaries nominating the candidates of such political party and no other.

Adoption of law by political party.

"Sec. 21. That all the provisions of chapter nine hundred and twenty-six, Public Laws of one thousand nine hundred and seven so far as it relates to Nash County be and the same is hereby repealed."

Law repealed.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 413.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE TO INCLUDE DARE COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section twelve, chapter eight hundred and forty of the Public Laws of North Carolina, one thousand nine hundred and nine, be and the same is hereby amended by adding after the word "Graham" and before the word "that" in line nine of said section the words "and Dare County."

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

Ratified this the 1st day of March, 1911.

## CHAPTER 414.

AN ACT TO REGULATE THE FEES OF THE REGISTER OF DEEDS OF YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

Fees.

SECTION 1. That the fees for recording chattel mortgages, crop liens, conditional sales, etc., shall be twenty cents for the first two copy sheets or fraction thereof and ten cents for each additional copy sheet or fraction thereof.

Application of act.

SEC. 2. That this act shall apply only to Yadkin County.

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

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

Ratified this the 1st day of March, 1911.

## CHAPTER 415.

AN ACT TO REGULATE THE ELECTION OF COUNTY COMMISSIONERS IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Commissioners elected for four years.

SECTION 1. That at the next general election held for the election of county officers in Robeson County, and at each alternate general election thereafter, there shall be elected three county commissioners who shall serve for a term of four years and until their successors are elected and qualified. Also at said next general election there shall be elected two county commissioners who shall serve

Commissioners elected for two years.

for a term of two years and until their successors are elected and qualified, and their successors shall be elected at each alternate election thereafter to serve for a term of four years and until their successors are elected and qualified. Successors.

SEC. 2. This act shall apply only to Robeson County.

Application of  
act.

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 this the 1st day of March, 1911.

#### CHAPTER 416.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF  
BLADEN COUNTY TO BUILD A LAWFUL FENCE ON THE  
LINE BETWEEN COLUMBUS AND BLADEN COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Bladen County shall build or erect a lawful fence, beginning at the line of the Columbus County stock law fence line and the line of the Bladen County stock law fence near Rosindale, and runs near east with the Bladen County stock law line or line of the old stock law fence, as was heretofore built by the stock law commissioners of Bladen County, and running with or near the county line between Columbus and Bladen counties to the Cape Fear River. Erection of fence.  
ordered.  
Beginning and  
course.

SEC. 2. That said county commissioners of Bladen County shall build or erect a lawful fence where said stock law fence now is or where designated in section one, on or before the first day of May, one thousand nine hundred and eleven. Time for building  
fence.

SEC. 3. That upon failure to build said fence as herein provided the county commissioners of Bladen County shall pay all damages from stock being taken up from citizens of Columbus County, by reason of their failure to erect said fence. Damages for  
failure.

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

Ratified this the 1st day of March, 1911.

#### CHAPTER 417.

AN ACT FOR THE BETTER CONSTRUCTION AND KEEPING  
IN REPAIR THE PUBLIC ROADS OF RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the public roads of Rutherford County shall be constructed, repaired and managed by the board of commissioners for the county of Rutherford, and in the construction or repair thereof the board shall use whatever materials they deem best. Construction,  
repair and man-  
agement by  
county commis-  
sioners.  
Materials.

Special tax.

SEC. 2. The board of county commissioners for the county of Rutherford shall, in order to provide for the proper construction, improvements and maintenance of the public roads of said county, at their regular meeting in June of each year, levy a special tax on all property subject to taxation under the State law in said county of not less than ten, and not greater than thirty-three and one-third cents on the hundred dollars valuation of property, and not less than thirty cents nor greater than one dollar 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 road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such stock, material, implements, wagons, road scrapers, rollers, camp outfits, quarters or stockades for the use of the county in working the roads, and for the safe keeping of the convict force, as may be found necessary in the proper carrying out of the 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 road improvements in the county, after estimating a sufficient amount to keep the roads in good repair in the several townships: *Provided, further,* that not less than seventy-five per cent of the whole road tax collected in the county in any one year shall be used for permanent road building and repairing of such permanent roads as have already been built. Bridge building may be considered as permanent road work. The board shall also apply to road improvement and construction as much of the general county funds as may not be needed for other necessary purposes.

Rate of tax.

Constitutional equation.

Collection of tax. Set aside as road fund.

Use of road fund.

Proviso: permanent road improvements.

Proviso: appropriation to permanent road work.

Bridges.

Appropriation from general county fund.

Roads may be let to contract.

SEC. 3. The board shall have power to contract all or any part of the road construction or repairs to the lowest responsible bidder, or upon the best obtainable terms, and may let the county convicts to such contractor upon such terms as may be agreed upon, the county, however, to provide guards for the convicts in all cases.

Enumeration of powers of commissioners.

SEC. 4. The board is authorized, in its discretion, to create and fill any positions which it may deem expedient for proper road construction, repairs and maintenance, such as superintendent of road construction and repairs, superintendent of the convict force engaged in road work, highway engineer; any or all of which positions may be united in the same person; to fix the compensation of, and prescribe the forms and amounts of bonds which shall be given by such appointees for the faithful performance of their duties; to prescribe the powers and duties of such appointees and to authorize them to employ, subject to the approval of the board, such subordinates or employees as may be needed, the board shall have power, for causes which it deems good, and of which it shall be the sole judge, to discharge any appointee or employee at any time. The board

may incur any expense which it deems needful in the examination of road work in other counties or States or to secure proper construction in road work.

Examination of work of other counties and States.

SEC. 5. The permanent roads to be built, or improved, by the board of county commissioners, shall from time to time be determined upon and designated by the board, taking into consideration the needs of the whole county, and every part thereof; opening or improving those roads which in their opinion will be of benefit to the greatest possible number of the people of the county, and treating every section of the county with equal justice.

Designation of permanent roads.

SEC. 6. For the purpose of constructing, improving or repairing public roads, the superintendent of road work, or other person engaged in or connected with the road work after first consulting the owner or his agent, shall have authority to enter upon any uncultivated land near to or adjoining the roads, or any improved or cultivated land, when unencumbered by cultivated crops, to cut or carry away any timber except trees left for ornament or shade, to dig or cause to be dug and carried away any stones, gravel, earth or sand which may be necessary to construct, improve or repair said road; and to enter upon any land adjoining or lying near the road, to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing such drains or ditches shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars for each day the obstruction remains. Any landowner considering himself damaged by reason of acts authorized in this section may within sixty days from the commission of the act complained of, present his claim to the board, who shall pass thereon within thirty days, and the owner may within ten days from notice of the decision, appeal to the superior court. If the owner shall not recover a greater amount than that offered in the decision of the board, he shall be taxed with all costs of the appeal.

Entry on land for material.

Drains and ditches.

Obstructing drains and ditches a misdemeanor.

Punishment.

Claims for damages.

Appeals.

SEC. 7. The board of commissioners shall have power, on petition or on their own motion, to relocate, construct, widen or otherwise change public roads or parts thereof, and to lay out and construct new roads when in their judgment the same will be advantageous to public travel, and for such purposes are authorized, through their agents, to enter upon lands to make the necessary surveys, and before doing any work of construction apart from surveys, the board shall give to the owner of land over which the proposed new road or change of road may run, at least five days notice in writing of a time and place when and where the board will consider the question of condemning the necessary land. If the landowner be a minor or insane, such notice shall be given to him and his guardian, or, if there be no guardian, to the person with whom he is living. If the landowner be a nonresident or can not be found within the county, such notice shall be mailed to his last

Power to change and locate roads.

Entry on land for surveys.

Notice to landowners.

Order for condemnation of land.

Width of land condemned.

Possession of land.  
Application for assessment of damages.

Notice of application.

Procedure for assessment of damages.

Right of appeal.

Bond on appeal.

Costs on appeal.

Appeal without bond.

Increase of bond.

Question on appeal.

Proviso: assessment before work.

known address and published in a newspaper of Rutherford County at least seven days before the hearing. If the board shall find the proposed improvement advantageous to public travel and shall decide to condemn the land necessary for the road, they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation, the findings and order of the board shall not be subject to review. No strip of land wider than forty feet with such additional width as may be necessary for cuts and fills, shall be acquired by condemnation. Upon making the order of condemnation, the board shall have authority, through their agents, to immediately take possession of the land described in the order and construct the road. If the landowner, after the road has been relocated or otherwise changed, or after the new road has been opened, shall consider himself damaged, and shall be unable to agree with the board as to the amount of damages, he shall within ninety days after opening, relocating, or otherwise changing the road, apply to the clerk of the superior court for an assessment of damages. Five days notice of such application shall be given to the board of commissioners. The clerk shall appoint and cause to be summoned a jury of three disinterested freeholders to assess the damages, and shall, at the time of appointing the jury, fix the time and place of their meeting. If for any cause the jurors shall fail to so meet, they shall meet at such other time and place as may be fixed by them, after giving forty-eight hours notice thereof to the board and the landowner or his attorney. The jurors' being duly sworn shall, in considering the question of damages, take into consideration the benefits to the landowner and shall render a verdict for such amount, if any, as the damages may exceed the benefit, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly. Either the board or the landowner may appeal to the superior court within ten days from the filing of the report. If the landowner appeals, the clerk shall require him to give bond or make a deposit in a sum not exceeding one hundred dollars to secure such costs as may be recovered against him on appeal, and if the amount of damages recovered by him in the superior court shall not exceed the assessment appealed from, he shall be taxed with all the costs on the appeal. If the landowner make affidavit of inability, by reason of poverty to give the required bond or deposit, he shall be allowed to appeal without bond. The bond or deposit may be increased by the judge of the superior court. The appellate court shall in no wise adjudicate the necessity of the relocation, widening or other change, or of the opening of the road, but shall try under the rules of procedure of the superior court only the question of damages and benefits: *Provided*, that if the board shall desire to have the damages assessed before proceeding to the work of construction, and shall fail to agree with the landowner as to the damages, they shall, within sixty days after the order of condemnation make application to the clerk

accordingly, first, however, serving upon the landowner, in the manner as hereinbefore provided for condemnation notice of such application. Upon hearing the application, the clerk shall appoint and cause to be summoned a jury of three disinterested freeholders, who shall proceed and make report as hereinbefore directed, except that they shall separately state therein the damages, if any, caused by the survey or surveys, and the rights of appeal and proceedings on appeal shall be as hereinbefore set forth: *Provided*, that within ten days after the filing of the report, or before final judgment in the superior court, if an appeal shall have been taken, the board shall have the election to abandon the proposed road improvement on construction, and in such case the clerk, or the judge of the superior court, if an appeal shall have been taken, shall render judgment, so declaring, setting aside the order of condemnation, awarding to the landowner the damages actually sustained, and taxing the board with all costs.

Proviso: power of election.

SEC. 8. Any person who shall obstruct the engineer, road superintendent or other agent, subordinate or employee, in making a survey or engaged in any road work, under authority of the board of commissioners, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Obstruction of work a misdemeanor.

Punishment.

SEC. 9. The board shall have authority to discontinue any public road at discretion which they may deem unnecessary, first, however, giving the landowners affected five days notice when and where they may be heard upon the question of discontinuing such road, or the board may convert unnecessary public roads into cartways. They shall also have authority to establish or discontinue cartways, in the manner as provided in sections two thousand six hundred and eighty-six and two thousand six hundred and ninety-four of The Revisal, except that the words "board of commissioners" shall be substituted for the words "board of supervisors of the township," and the provisions for appeal to the board of commissioners shall be stricken out.

Power to discontinue roads.

Notice to landowners.

Cartways.

SEC. 10. The county treasurer shall keep a separate account of the road fund of the county, and of his disbursements on permanent roads separate and distinct from the disbursements on the repair work done on the roads in the several township, keeping each township's disbursements separate; and he shall make a written report thereof to the board of county commissioners at their regular meeting a statement of the disbursements from the road fund since the last meeting of the board, which report shall be filed with the clerk of the board.

Road fund accounts.

Reports

SEC. 11. The clerk of the board shall annually within six days next before the first Monday of December of each year, make out and certify, and cause to be published in a newspaper printed in the county, a statement of the preceding year showing the amount

Annual publication of receipts and disbursements.

of taxes collected in the county for road purposes, the amount expended in each township for repair of roads in such township; for the building of bridges and repairs thereof; the amount paid out for opening of new roads; the amount of road machinery purchased during the year and the amount of stock purchased and the cost of each, and the amount of road machinery and stock on hand; the amount of permanent road work done and the cost thereof on each road separately.

Stock, imple-  
ments and  
machinery.

Additional  
machinery.

Prisoners subject  
to road work.

Prisoners assigned  
to road work.

Expense of  
convicts.

Proviso: physical  
disability..

Convicts from  
other counties.

Cost of prisoners.

Proviso: return  
of convicts.

SEC. 12. The stock and road implements and machinery belonging to the county may be used upon both the permanent and repair work, upon the roads in the county, and the board of county commissioners are empowered to purchase additional road machinery from time to time as the same may be needed for keeping the roads of the county in good condition, and also for doing permanent road work.

SEC. 13. That all male prisoners confined in the county jail of Rutherford County under final sentence of the court for crime or imprisonment for non-payment for cost or fines or under final judgment in cases of bastardy, or under the vagrant acts, all male insolvents who shall be imprisoned by any court in said county for non-payment of costs, and all male persons sentenced in said county to the State prison for a term of less than ten years shall be worked on the public roads of the county. Judges of the superior court or the judges of the criminal courts, the justices of the peace, and the recorder, police justice or principal officer of any municipal court, may assign such persons convicted in his court to 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*, that in case of serious physical disability certified to by the county physician or other satisfactory reason appearing to the presiding judge, said person so convicted may be sentenced to the penitentiary or to the county jail.

SEC. 14. Upon application of the chairman of the county commissioners, to the judge of the superior court presiding in the adjoining counties, or any other counties in the same or adjoining judicial district, which do not otherwise provide for the working of their own convicts on the public roads, said judge may sentence such able-bodied male prisoners, as are described in the preceding section, from such adjoining counties in the same and adjoining judicial districts to work the public roads of Rutherford County; and the cost of transporting, guarding and maintaining such prisoners as may be sent to Rutherford County shall be paid out of the road fund for Rutherford 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 Rutherford County road fund.

SEC. 15. It shall be the duty of the board to purchase supplies and provisions at the best price obtainable, as they may be needed from time to time, and they may advertise for bids for supplies for the support of the convicts, and all other necessities during each year. Said bids shall be sealed and filed with the clerk of the board.

Purchase of supplies and provisions.

Advertisement for bids.

Bids sealed.

SEC. 16. The board of county commissioners may make an allowance to the clerk of the board for the extra work done as clerk as provided for in this act.

Allowance to clerk.

SEC. 17. There shall be elected at the general election to be held in the year one thousand nine hundred and twelve, and every two years thereafter, by the qualified voters of the county of Rutherford, with other county officers, one road supervisor for each township, who shall be a resident of the township for which he is elected; said supervisors shall qualify and enter upon the duties of their office on the first Monday of December next succeeding their election and shall hold their office for the term of two years, and until their successors shall be elected and qualify.

Election of road supervisors.

Term of office.

SEC. 18. It shall be the duty of the township road supervisors to attend the regular meetings of the board of county commissioners in January, April, July, and October of each year, and such other meetings as they may be notified to attend by the chairman of the board, for the purpose of informing the board of the condition and needs of the roads of their respective townships. At said meeting in January, April, July and October, the supervisors shall submit to the board of county commissioners written reports specifying the condition of the roads in their respective townships, and the nature and extent of the work which they may deem necessary for improvement and repairs, and setting forth such recommendations as they may deem needful, for making changes in roads or in opening new roads. For attending such meetings the supervisors shall each receive compensation not exceeding two dollars per day, and mileage not exceeding five cents per mile.

Supervisors to attend meetings of commissioners.

Quarterly reports.

Compensation of supervisors.

SEC. 19. Such work of repairing, and keeping in repair, the roads in the several townships as may not be done by means of the county road force, outfit and machinery, shall be done by the township supervisor with hired labor. Before doing any work the supervisor shall submit to the board of commissioners a written statement specifying the nature, extent and probable cost of the contemplated work, and the board shall authorize said supervisor to do so much of said work as the board may deem necessary, and which can not be advantageously or conveniently done through the county road force, outfit and machinery. The board may also in its discretion from time to time authorize the supervisors to expend up to certain amounts, as may be necessary, on emergency repair work which can not without public detriment be reported before doing the work: *Provided*, that the amounts paid to any supervisor for such emergency work shall not exceed in the aggregate one hundred dollars for any one year.

Repairs by hired labor.

Specifications and authority for work.

Emergency repair work.

Proviso: limit of expenditure.

Compensation of supervisors.

SEC. 20. The township supervisors shall be paid as compensation not exceeding two dollars per day, for such time as they are actually employed in working hands on the roads in their townships.

Sworn statements of accounts.

They shall keep a regular account of the time necessarily employed by them, and the expenses necessarily incurred by them, with the date of each item thereof, and render a sworn statement thereof to the chairman of the board of commissioners, and the clerk of the board shall make report thereof to the next meeting of the board.

Supervisor not to employ relatives or hire his own teams.

No supervisor shall employ any member of his immediate family as laborers, nor shall any supervisor without permission of the board hire any of his own teams in doing the work in his township.

Rules and regulations.

The board of commissioners shall have power to prescribe such rules and regulations relating to the working of the roads by the supervisors as may not be inconsistent with the provisions of this act.

County commissioners to fill vacancies.

SEC. 21. Vacancies occurring from any cause in the office of any supervisor shall be filled by the board of county commissioners, and said board for cause which to it seems good, may remove any supervisor from office.

Act not effective until approved by voters.

SEC. 22. That the provisions of this act shall be of no force or effect in said Rutherford County or in any township or any subdivision of said county until the same is duly ratified and approved by a majority of the votes cast at an election held for that purpose in said Rutherford County. And it is hereby made the duty of the board of county commissioners of Rutherford County, at their meeting on the first Monday in April, one thousand nine hundred and eleven, or as soon thereafter as practicable, to call an election to be held at the various voting places in said county, upon

County commissioners to call election.

a notice of thirty days, at which said election all qualified voters of said county favoring the adoption of this act shall vote a ballot upon which is written or printed, or partly written and partly printed, the words "For Roads," and such voters as shall oppose the adoption of this act shall vote a similar ballot with the words "Against Roads" thereon. The said election hereby authorized and required to be called by the said board of county commissioners shall be held by the sheriff of said Rutherford County under the law regulating the election of members of the General Assembly, as far as practicable. And if, after such election being held, a majority of the votes cast shall be "For Roads," then, and in that event, this act shall be in full force and effect, and shall be and constitute the sole road law of said Rutherford County. But in the event, at such election, a majority of the votes cast shall be "Against Roads," then and in that event this act shall be null and of no force and effect in said county, and the existing road law or laws in said county shall be and continue in full force and effect.

Notice of election.

Ballots.

Law governing election.

Effect of election.

Petition for subsequent election.

SEC. 23. If at such election a majority of the voters of said county shall fail and refuse to adopt this act regulating the public roads

of said county, then and in that event it shall be lawful for one-third of the voters of any township or townships in said county to petition the board of commissioners of said county, asking that such township or townships be allowed to adopt the provisions of this act, and upon the filing of such petition signed by said one-third of said voters resident of such township or townships, at the meeting on any first Monday in any month, when filed, shall order an election to be held as provided in section twenty-three of this act; and if a majority of the votes cast at such election be in favor of adopting the provisions of this act, then the said act shall be so in force in said township or townships from the date of declaring the result of such election: *Provided*, that such petition for such township or townships election may be filed at any time after the general election herein provided for, and for any number of townships or different divisions of the county in the individual right of such townships at the same time: *Provided*, that in the event of failure to adopt the provisions of this act by the votes of said county, there shall not be held another election giving a right to said county to adopt same until after the lapse of twelve months, and then only upon a petition of one-third of the voters of the entire county. But township elections may be held, after election once held, and failing to carry after the lapse of six months.

Effect of election.

Proviso: time for petition.

Petition by townships.

Proviso: limit of election by county.

Township elections.

SEC. 24. That in the event of the adoption of the provisions of this act by any township or townships in said county, all taxes authorized to be levied and collected under the provisions of this act shall be and inure to the sole and exclusive use of such township or townships as shall adopt the provisions hereof. And said tax shall be levied, collected and accounted for to the sole use of said township, and said township so adopting the provisions of this act shall be exempt and released from all other taxes for constructing or maintaining any public road or roads in said county, outside of such township.

Tax by townships to use of townships.

Township exempted from other taxes.

SEC. 25. That in the event any township shall adopt the provisions of this act, then the board of county commissioners of Rutherford County shall, as soon after the declaration of the result of the election herein provided for as practicable, appoint three suitable, discreet persons, resident of such township, who shall give bond as provided for in this act, who shall act in conjunction with said board of county commissioners in the performance of the duties provided herein for the government of the supervisors provided for in this act. Such said three persons shall hold their office until the first Monday in December, one thousand nine hundred and twelve, or until their successors shall have been elected and qualified, when at said general election of one thousand nine hundred and twelve their successors shall be elected in the same manner and have the same power as the original three herein provided for.

Appointment of supervisors.

Term of office.

Election of successors.

Road funds, taxes  
and tools on hand.

SEC. 26. That in event of the adoption of this act by the said county as a county, then all road funds, taxes and tools now in the hands of any officer of said county for the use of the roads in said county, shall be and is hereby appropriated to the use of and to be expended for the best use and benefit of all the public roads in said county. But in case of the rejection of the provisions of this act, by the entire county, and thereafter any township or townships in said county shall adopt the provisions hereof as herein provided, then and in that event all taxes which are now in the hands of any officer of said county for the benefit of the public roads of said county shall be turned over to such township or townships for the use of the roads of said township or townships of said county as they are entitled to receive as their pro rata share of such taxes.

Apportionment to  
townships voting  
tax.

Election expenses.

SEC. 27. That all the expenses of any election held under the provisions of this act which affect the county at large, shall be paid out of a general road fund of Rutherford County, or in event any township in said county holding an election under the provisions of this act, all expenses of such election shall be borne by such township asking for such election, and paid out of the road fund belonging to any such township.

SEC. 28. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1911.

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## CHAPTER 418.

### AN ACT FOR THE RELIEF OF EX-SHERIFF THOS. E. SHUFORD, OF GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

Collection of  
arrears authorized.

Years.

SECTION 1. That Thomas E. Shuford, ex-sheriff of Gaston County (and in the case of his death his personal representative) is hereby empowered and authorized to collect arrears of taxes for the years one thousand nine hundred and seven, one thousand nine hundred and eight, one thousand nine hundred and nine, one thousand nine hundred and ten, under such rules and regulations as are now or may hereafter be provided by law for the collection of taxes: *Provided*, that the authority herein given shall cease and determine on December thirty-first, one thousand nine hundred and twelve.

Proviso: term of  
authority.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 419.

AN ACT TO INCREASE THE PAY OF THE COMMISSIONERS  
OF JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the pay of the commissioners of Jackson County be increased from two dollars to three dollars per day, and that they be allowed mileage in attending meetings: *Provided*, that they do not receive pay for more than two days in any month. Per diem. Mileage. Proviso: limit.

SEC. 2. That the county commissioners may select any one of their number to inspect public improvements in the said county, which may require such, before auditing bills to pay for same and that said party be paid the regular per diem as allowed in section one, but not mileage. Inspection of public improvements. Per diem.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 420.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS  
OF MOORE COUNTY TO SUBMIT TO THE QUALIFIED  
VOTERS OF SAID COUNTY THE QUESTION OF ISSUING  
BONDS FOR THE PURPOSE OF MAKING AND IMPROVING  
THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Moore County be and it is hereby authorized, empowered and directed to submit to the vote of the qualified voters of Moore County, at an election to be held in said county on Tuesday after the first Monday of April, one thousand nine hundred and eleven, the question as to whether or not the county of Moore shall issue and sell the bonds of said county in the sum of one hundred thousand dollars, with interest coupons attached, as hereinafter provided, the proceeds of which to be used for the purpose of repairing, grading, making, improving and macadamizing the public roads of said county, and refunding certain bonds of McNeill's Township and Carthage Township, in said county, contracted for the building and improvement of public roads therein, as hereinafter provided, and levy the tax hereinafter provided for the purpose of paying the principal and interest on said bonds when the same shall become due and payable. Election order. Date. Bond issue to be voted on. Purpose of bond issue.

SEC. 2. That the election held under the provisions of this act shall be held and conducted in the same manner as is now or may Law governing election.

Election officers.	hereafter be prescribed by law for holding elections for members of the General Assembly: <i>Provided, however,</i> that the said board of county commissioners shall appoint the registrars of election and judges of election, and any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now provided, or may hereafter be provided, for the election of
Count and return of votes.	members of the General Assembly. The vote shall be counted at the close of the polls and the results returned in writing by the said election officers to the said board of county commissioners on the Thursday next following the election, and the said board of county commissioners at the first meeting held by them thereafter shall
Canvass and record of returns.	tabulate, canvass 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.	<p>SEC. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed, or partly written and partly printed, upon them "For Good Roads Bond Issue," or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds for the purposes aforesaid, and the levy of said tax, shall vote "For Good Roads Bond Issue," and all qualified electors opposing the issuing of said bonds, and the levy of said tax as herein provided, shall vote "Against Good Roads Bond Issue."</p>
Declaration and record of result.	<p>SEC. 4. In the event that the requisite majority of the qualified electors of said county shall at said election vote "For Good Roads Bond Issue" the result shall be declared and recorded as aforesaid and the board of commissioners of Moore County shall thereupon be authorized, empowered and directed to issue and sell coupon</p>
Bond issue authorized.	bonds of said county, payable to bearer, to the amount of one hundred thousand dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest
Amount.	from date of said bonds at the rate not to exceed six per cent per annum, and payable annually on the first day of January of each year until said bonds are paid, both principal and interest payable
Denominations.	at the office of the treasurer of Moore County, the principal of said bonds to mature and become payable forty-one years from the
Interest.	date of said bonds, the date of said bonds to be fixed by the board of commissioners of said county: <i>Provided,</i> that the said board of
Maturity.	commissioners may fix one date for fifty thousand dollars of said
Date of bonds.	bonds to be designated as Series A, and another date for the other
Proviso: bonds issued in series.	fifty thousand dollars to be designated as Series B, and issue and
Authentication.	sell the same at different times, as herein provided. The said bonds shall be signed by the chairman of the board of commissioners of
	said county, and shall be countersigned by the clerk of said board, and shall have affixed thereto the seal of the office of the register of
	deeds of said county. The said bonds shall be numbered consecu-

tively and the interest coupons attached shall be identified by numbers corresponding to the bond to which they are attached, and shall have such other evidences of identity as said board of commissioners may prescribe, and shall be signed by the chairman of said board of commissioners, or shall have his lithographed signature thereon. The said board of commissioners of said county shall first sell fifty thousand dollars of said bonds and after as much as two-thirds of the moneys realized from said sale shall have been expended, as in this act provided, the said board shall sell the remaining fifty thousand dollars of said bonds: *Provided*, that a sale of the second fifty thousand dollars of said bonds before the said two-thirds of the money realized from the sale of the first fifty thousand dollars of said bonds shall have been expended, as aforesaid, shall in no way invalidate the second fifty thousand dollars of bonds issued in the hands of purchasers thereof: and *Provided, further*, that the purchasers of said bonds shall not be responsible for the proper application of the proceeds arising from the sale of said bonds: and *Provided, further, however*, that the said board of commissioners may deliver without sale to McNeill's Township and Carthage Township, in the manner hereinafter provided, the pro rata part of each of said issue of bonds for the purpose of refunding the bonded indebtedness of said townships contracted for the building and improvement of roads therein, as hereinafter provided. The first fifty thousand dollars of bonds to be issued under the provisions of this act shall be designated as "Moore County Road Bonds, Series A," and the second fifty thousand dollars of bonds to be issued shall be designated as "Moore County Road Bonds, Series B."

SEC. 5. No bond issue under the provisions of this act shall be sold, or otherwise disposed of, for less than par value.

SEC. 6. The said clerk of the board of commissioners shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond, and the name of the person or persons to whom sold. He shall also keep an accurate account of the coupons and bonds which shall be paid, taken up, or otherwise canceled, so that by an inspection of said book the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall, at all reasonable times, be open to any taxpayer in the county.

SEC. 7. That the said bonds, at the option of the holder or holders thereof, shall be registered by the clerk of the board of county commissioners of said county and after such registration shall be transferable only by endorsement.

SEC. 8. The said board of commissioners of Moore County shall make sale of said bonds, except such portion thereof as may be delivered to McNeill's Township or Carthage Township as provided by this act, by inviting bids therefor after such advertisement as

Sale of bonds.

Proviso: premature sale not to invalidate bonds.

Proviso: responsibility of purchasers.

Proviso: bonds to McNeill's and Carthage townships.

Designation of bonds.

Bonds not to be sold below par.

Record of bonds. Accounts.

Books open to inspection.

Bonds registered.

Sale of bonds.

- Sealed bids. the board may deem advisable. Said bids may be for the whole amount of said issue offered for sale, or any part thereof, and shall be sealed and deposited with the chairman of the board of county commissioners and by him safely kept unopened until the date fixed in the advertisement for the consideration thereof, when the same shall be opened in the presence of such citizens of the county as may desire to attend, and the said commissioners shall proceed to award and allot to said purchasers, or any one of them, as many of said bonds as they may then desire to dispose of: *Provided, however,* that the said board of commissioners may reject any or all of said bids, in their discretion.
- Opening and allotment. shall be opened in the presence of such citizens of the county as may desire to attend, and the said commissioners shall proceed to award and allot to said purchasers, or any one of them, as many of said bonds as they may then desire to dispose of: *Provided, however,* that the said board of commissioners may reject any or all of said bids, in their discretion.
- Proviso: power to reject bids. SEC. 9. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated to the purposes for which they are issued, as provided herein; that the proceeds arising from the sale of said bonds shall be paid to the treasurer of Moore County, his official bond shall be liable for any misappropriation thereof, and the said board of commissioners of said county may require the treasurer of said county, before the receipt of said funds, to make, execute and deliver, as provided by law for his other official bonds, any additional bonds that they may deem necessary to protect the county in the payment to said treasurer of said bonds; and the board of commissioners shall cause said treasurer of said county to open and keep separate account of said funds; that the said treasurer shall not be allowed anything for the collection, receipt and disbursement of said funds, but the board of commissioners in their discretion are authorized to pay any premium that may be necessary, on account of the execution of said additional bond, out of the funds arising from the sale of said bonds, and the order of the board of commissioners on said fund for said purpose shall be sufficient voucher in the hands of said treasurer for said purpose.
- Proceeds of bonds kept separate. SEC. 10. That in order to pay the interest on said bonds as it may accrue, and provide a sinking fund to pay the principal of said bonds at maturity, the said board of commissioners of said county are hereby authorized, empowered and directed to levy a special tax annually, at the time provided by law for the levy of other taxes, on all taxable property and taxable polls in the county of Moore of not exceeding twenty cents on every one hundred dollars worth of taxable property, and sixty cents on each taxable poll in said county: *Provided,* that the said board of commissioners need not levy the taxes to create said sinking fund until ten years after the date of said bonds. The said taxes shall be levied and collected and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of this State, and said taxes shall be collected by the officers of said county charged with the collection of
- Proceeds paid to treasurer.
- Bond of treasurer.
- Separate accounts.
- No allowance to treasurer.
- Premium for additional bond.
- Special tax for interest and sinking fund.
- Tax rate.
- Proviso: levy for sinking fund.
- Levy and collection of tax.

other taxes, who shall in respect thereto be liable officially as well as personally to all the requirements of law now prescribed, for the faithful collection and payment of other taxes. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The said board of county commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however*, that said board of county commissioners may, in their discretion, from time to time, use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

Sinking fund.

Management and investment of sinking fund.

Proviso: purchase of bonds.

SEC. 11. That in the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the board of commissioners of Moore County are authorized and empowered to levy, for the purpose of maintaining and repairing said public roads in said county, and for paying any expenses incident to the same, a special tax annually as aforesaid in addition to the levy authorized and directed for the purpose of paying the principal and interest of said bonds, on all taxable property and taxable polls in the county of Moore of not exceeding ten cents on every one hundred dollars worth of taxable property, and thirty cents on each taxable poll in said county. The said taxes shall be levied and collected and shall be imposed upon such property, polls, and other subjects of taxation as are now, or may hereafter be, subject to taxation under the laws of this State, and said taxes shall be collected by the officers of said county charged with the collection of other county taxes, who shall in respect thereto be liable officially as well as personally to all the requirements of law now prescribed, or which may hereafter be prescribed, for the faithful collection and the payment of other taxes.

Special tax for roads.

Tax rate.

Levy and collection of tax.

SEC. 12. In the event that the requisite majority of the qualified electors of said county shall, at said election, vote "For Good Roads Bond Issue" Henry A. Page, Leonard Tufts, John R. McQueen, H. P. McPherson, T. N. Woody, shall constitute the first members of the board of five to be known as "The Highway Commission of Moore County," who shall hold their offices until the first Monday in December after the next general election to be held for members of the General Assembly, and until their successors are appointed and qualified. On the said first Monday in December after said general election, and biennially on said date thereafter, the board of commissioners of Moore County shall elect five successors who shall be residents and freeholders of said county, and shall hold their offices for two years from said date, and until their successors are elected and qualify. Any vacancies occurring in said commission

Highway commissioners.

Term of office.

Election of successors.

Term of office.

County commissioners to fill vacancies.

Proviso: residence of commissioners.  
Organization of highway commission.

Rules and regulations.

Commissioners to qualify.

Incorporation.

Corporate name.

Corporate powers.

Regular meetings.

Called meetings.

Compensation of commissioners.

Proviso: limit.

Records.

Records open for inspection.

Township road commissioners.

Vacancies.

Term of office.

Qualification.

Organization.

To serve without compensation.

Rules and regulations.

Stated meetings.  
Special meetings.

at any time by death, resignation, or otherwise, shall be filled by the board of commissioners of said county: *Provided*, that at no time shall more than one member of such highway commission be a resident of any one township. As soon as practicable after said election the said members of said highway commission shall meet and elect one of their members chairman of said commission and one of their members secretary, and shall pass such rules and regulations for their government as they may deem best. They and their successors shall qualify by taking an oath before some person authorized to administer oaths to perform the duties of said office to the best of their skill and ability. The said highway commission shall be and constitute a body politic and corporate under the name of "The Highway Commission of Moore County," and under that name may sue and be sued, plead and be pleaded for all the purposes of this act.

SEC. 13. Said highway commission shall, after their organization, meet in regular session on the first Monday in each month at the court-house of the county, and shall be authorized to hold any other meeting at the call of the chairman or two members of said commission. The members of said commission shall receive as compensation for their services the sum of three dollars a day for each day they shall be in attendance upon the meetings of said commission, and five cents a mile for the distance traveled to and from the court-house of the county to attend said sessions: *Provided*, that they shall receive no compensation for more than fifteen meetings in any one year. They shall keep a book in which shall be recorded all the proceedings of the commission, and the same shall be open to the inspection of the public at all reasonable times.

SEC. 14. At the first meeting of said highway commission, or as soon thereafter as practicable, and biennially thereafter, on the first Monday in December after each general election, said highway commission shall elect three persons in each township of Moore County who shall be residents and freeholders of their respective townships, members of the board of road commissioners of their respective townships, and from time to time fill any vacancies that may occur in said board. The term of office of said members so elected, and their successors in office, shall be the same as that of the said highway commission. They shall meet not later than the first Monday in the month after their election and qualify by taking an oath before some officer authorized to administer oaths to faithfully and honestly perform the duties of their office to the best of their skill and ability. They shall organize by electing one of their members as chairman of the board and one of their members as secretary, and shall serve without compensation. They shall fix rules and regulations for their government and determine upon stated meetings of the board, not less than once in every three months, and may meet in special session at the call of the chairman

or two members of the board. They shall keep an accurate account of all the proceedings of the board at each meeting thereof in suitable books provided for this purpose, which shall be open to the inspection of the public at all reasonable hours. Said township board of road commissioners shall be known and styled "The Board of Road Commissioners of . . . . . Township," the name of the township which the respective boards represent being inserted in the blank space.

Record of proceedings.  
Record open for inspection.  
Designation.

SEC. 15. Each township in Moore County shall, for the purposes of this act, be, and it is hereby declared to be, a body politic and corporate by the name of each township respectively, and is vested with all the necessary powers prescribed by this act, and those necessarily implied by law, which shall be exercised by the board of road commissioners of each township elected under the provisions of this act, or in pursuance of a resolution by them. The said board of road commissioners of each township, and their successors, are declared to be the corporate agents of their respective townships, and the said townships may sue and be sued in the name of said respective townships for the purposes of this act, and may make contracts through their respective boards of road commissioners, purchase and hold property for the purpose of this act, and make such orders for the disposition or use of its property as the interests of the inhabitants may require. Process against said township may be served by leaving a copy with the chairman or secretary of the board of road commissioners of the township.

Townships incorporated.  
Corporate name.  
Corporate powers.  
Exercise of powers.  
Corporate agents.  
Further enumeration of powers.  
Service of process.

SEC. 16. That the board of road commissioners of each township in said county created by this act shall, as soon as practicable after their organization and biennially, at their first meeting in December after each election, elect a treasurer of their respective townships who shall not be a member of said board, who shall hold office during the term of said respective boards, and shall qualify by taking an oath before some officer authorized to administer the same that he will faithfully and honestly discharge the duties of his office, as provided by law, to the best of his skill and ability, and before receiving any of the moneys provided by this act shall execute a bond payable to the State of North Carolina, with sufficient sureties, to be approved by the board of commissioners of Moore County, in a sum not less than the amount of funds that may come into his hands during his term of office, conditioned that he will collect, receive, account for, pay over and disburse the funds committed to his custody by the provisions of this act as herein and by law provided, and faithfully and honestly to perform the duties of his office, as prescribed by law, during his continuance therein. Said bond shall be recorded in the office of the register of deeds of said county and committed to the custody of the board of commissioners of said county, and suit may be brought thereon by the said board of commissioners of Moore County for any breach thereof or for

Election and term of township treasurers.  
Treasurers to qualify.  
Bond of treasurer.

Orders on road funds.	any failure to discharge his duty as treasurer, as provided by this act. Said treasurer shall only disburse the funds coming into his hands and belonging to the road fund of the township of which he is treasurer upon written orders signed by the chairman of the board of road commissioners of each township and countersigned by the secretary thereof, which shall be the only sufficient voucher for the disbursement of said fund. Said treasurer shall render an
Itemized accounts rendered quarterly.	itemized account of the receipts and disbursements of said road fund to the board of road commissioners of his township every three
Audit and record of accounts.	months, and said reports shall be examined and audited by the said board and, if approved, shall be recorded in the office of the register
Final statement.	of deeds of said county in the book of official reports. Said board shall, at the expiration of his office, examine and audit the accounts
Record.	of said treasurer and make a settlement in writing thereof showing the amount of the balance due to his successor in office, which
Payment to successor.	shall be recorded in the office of the register of deeds in the book of official reports, and the said treasurer shall pay said balance to his
Compensation of treasurers.	successor, taking his receipt for the same, immediately after his bond shall have been approved, as herein provided. The respective
Proviso: limit.	treasurers of said townships shall receive as compensation for their services such sum as shall be fixed by the board of road commis-
Removal of treasurer.	sioners of the said respective townships: <i>Provided</i> , the same shall not exceed one per cent of the total amount disbursed by him upon
Fees of register of deeds.	the orders of said board. The said treasurer may be removed by the board of road commissioners of his township for violations of
Ascertainment of amount of road fund.	the duties of his office, upon notice, or for failure to execute the bonds herein prescribed. For the services in this act prescribed the
Reservations.	register of deeds of Moore County shall receive the fees provided by law for like services, which shall be paid out of the road fund
Limit of reservations.	of the respective townships upon the order of the respective boards of road commissioners.
Order apportioning road funds.	SEC. 17. That after each sale of the bonds by the board of commissioners of Moore County, as herein provided, the highway commission of Moore County shall ascertain the amount of money in
	the hands of the county treasurer arising from said sale and available for the purposes of making, repairing and improving the public
	roads of Moore County, as herein provided, and after reserving therefrom an amount sufficient for paying the expenses of laying
	out and surveying the public roads of the county, as herein provided, and paying the salary of the county road superintendent for twelve months, and the expenses of said commission for said time,
	the said sum not to exceed two thousand dollars, shall thereupon make an order appropriating the remainder of said funds to each
	township of Moore County to be expended upon the public roads of the county in said respective townships, as provided by this act, in accordance with the taxable valuation of property as listed for county taxation for the year one thousand nine hundred and eleven,

giving to each township such portion of said road fund remaining after said reservation as the taxable property in said township, as aforesaid, sustains to the whole of the taxable property listed for county taxation for said year in said county. A copy of said order, certified by the highway commission, shall be filed in the office of the register of deeds and by him at once recorded in the book of official reports, and said highway commission shall give notice by publication, in some newspaper published in the county, for at least one week, that such order has been made and recorded as aforesaid. At the first meeting of said highway commission held twenty days after the recording of said report and publication of said notice the said highway commission shall hear any objections made to said order by any township or any citizen of the county, and hear any evidence and consider any records pertinent to the proper and correct distribution of said funds to the several townships of the county under the provisions of this act, and thereafter make a final order for the distribution of said funds to the public roads of the county in the several townships, as in this act provided, and certify the same, as aforesaid, to the register of deeds for record in like manner as the first order, and cause a copy thereof to be served on the county treasurer. Upon the service of said copy on the treasurer of said county it shall at once be his duty to pay over to the several treasurers of the respective townships of Moore County, created and provided by this act, who shall have qualified and given bond as herein provided, the sums therein ordered to be paid to the several townships, and take receipts for the same, and such receipts shall be sufficient and legal vouchers in the hands of said county treasurer for the disbursement of said funds: *Provided*, that if the townships of McNeill's and Carthage, one or both, shall have theretofore elected, as in the next succeeding section provided, to take its pro rata part of the bonds issued under the provisions of this act without and before sale of said bonds by the board of commissioners of said county, the order of said highway commission in this section provided for shall direct that the said township or townships, as the case may be, shall not be entitled to any of said funds realized from the sale of said bonds for improvement or laying out of the public roads of the county in such township, or only so much thereof as such township may be entitled to under the provisions of this act after estimating such bonds so delivered to such township as a part of the fund realized from the sale of the bonds not so delivered, after making reservation hereinbefore provided for, and including the par value of the bonds so delivered to such township, in the share of such township, as so much of said funds already paid to such township.

Record of order.

Publication of order.

Objection to order.

Final order.

Copy to treasurer.

Payment to township treasurers.

Vouchers.

Proviso: apportionment to McNeill's and Carthage townships.

SEC. 18. The township of McNeill's and the township of Carthage, in said county, one or both, shall have the option to be exercised, as to the first fifty thousand dollars of bonds provided for sale by

Options to McNeill's and Carthage townships.

this act, thirty days after said election herein provided for, and thirty days after notification made to said township by the board of commissioners of Moore County of their intention to offer for sale the second fifty thousand dollars of bonds, as to the last-named issue, by the board of road commissioners of McNeill's Township as constituted before the passage of this act as to that township, and by the board of road commissioners of Carthage Township to be elected under the provisions of this act as to Carthage Township, to accept in lieu of the funds arising from the sale of said bonds such part of the bonds of Moore County provided by this act as such township may be entitled to under the rule provided by the preceding section, or accept a portion of said bonds in lieu of said funds and the balance in the proceeds of the sale of said bonds. In the case of the exercise of such option by either of the said townships, the said board of road commissioners of said township shall make an order setting forth therein such election and file a copy thereof, certified under the hand of its secretary, with the register of deeds of said county within the time hereinbefore specified; and the board of commissioners of Moore County shall thereupon deliver to the treasurer of such township the pro rata portion of the bonds provided by this act due said township under the rule set forth in the preceding section of this act, or such portion thereof as such township may elect to take and sell the balance of said bonds as provided in this act only. The said township aforesaid electing to take such bonds in lieu of the funds arising from the sale of the same, may, through its board of road commissioners, exchange said bonds, or any part thereof, for its bonds already issued or issued and sold and contracted for road building in such township upon agreement made with the holder thereof as may be determined upon, or may make sale of said bonds so delivered, or any portion thereof, and invest the funds realized from such sale in the purchase and redemption of such outstanding bonds of such township in whole or in part, and expend the remainder in laying out and improving the public roads of such township. Either one of said townships shall have the right, and it is hereby likewise authorized and empowered in the manner aforesaid designated, to accept the funds due said township from the sale of said bonds, as provided in the preceding section of this act, and expend the same, or any part thereof, in refunding and purchasing in whole or in part any of the said outstanding bonds against such township, or expend a portion thereof in purchasing and refunding said outstanding bonds and the remainder upon the public roads of said county in said township, as provided by this act.

Exercise and record of options.

Exchange or sale of bonds by townships.

Use of funds by townships.

Law as to McNeill's Township.

SEC. 19. That this act shall not apply to McNeill's Township in so far as it may provide for the election of a board of road commissioners for said township and a treasurer of said township, nor as to the machinery for the repairing and improvement of the roads

in such township by the boards elected under the provisions of this act, and the disbursement of funds for said purpose as a township unit, but in this respect and for the receipt and disbursement of the funds apportioned to said township by the provisions of this act, the said McNeill's Township shall be governed by the provisions of an act of the General Assembly of North Carolina, entitled "An act for the improvement of the public roads in McNeill's Township, Moore County," ratified the fifth day of February, one thousand nine hundred and nine, and published as chapter eighty-two of the Public Laws of one thousand nine hundred and nine, and the provisions of said act are in no sense repealed by this act in so far as this act may purport to affect the officers of the said township, the machinery for repairing and improving the roads of said township, as a township unit, or the levy and collection of taxes in said township to pay its bonded indebtedness; but only in so far and to the extent of conferring the powers herein provided upon the highway commission of Moore County, and upon the board of commissioners of said county, and the power to issue and sell the bonds herein provided, and as to such other provisions of this act directly or impliedly applicable to said township or plainly in conflict with the provisions of such prior act.

SEC. 20. That it shall be the duty of the highway commission of Moore County to take entire control and management of all the public roads of Moore County, and the said highway commission shall have the power and it shall be their duty to determine what public roads shall be opened, built, improved, relocated or discontinued in the county of Moore, and shall have all the power and authority conferred by this act or implied by law not herein granted to other officers or boards.

SEC. 21. The amount of money reserved by the highway commission of Moore County from the sale of the bonds provided by this act, as hereinbefore authorized and directed, together with all moneys collected by the levy of taxes for the maintenance of the public roads of the county, as provided by section eleven of this act, shall be disbursed by the treasurer of the county of Moore only upon the written orders of the highway commission of Moore County, signed by the chairman of said commission and countersigned by the secretary thereof, and said commission shall have full authority and power to disburse said funds as in this act provided for the laying out and improvement and building of the public roads of the county, as in this act provided, and for the payment of all expenses in connection therewith, including the purchase of such machinery, tools and other property as may be necessary and convenient for the proper carrying out of all the purposes of this act.

SEC. 22. The said highway commission of Moore County shall, after sale of the first installment of bonds provided by this act, elect a county superintendent of roads, who shall be an expert road

Highway commission to control and manage roads.

Powers and authority.

Orders for disbursement of money.

Power of disbursement.

County superintendent of roads.

Compensation.	engineer, who shall be paid such compensation as may be fixed by said highway commission and be paid out of the county road fund reserved by the highway commission from the sale of said bonds, as hereinbefore authorized, and from the taxes levied and collected from time to time for the maintenance of roads, as herein provided, and shall hold his office for such time as may be designated in the contract with said highway commission, not to exceed the term of
Term of office.	office of the said commission, and he may be removed from office by said highway commission for cause or for failure to discharge the duties of his office. The said highway commission of said county shall, before proceeding to work and improve the public roads of said county as in this act provided, cause said superintendent to
Power of removal.	lay out, and where necessary, survey the roads first proposed to be built and improved in the county under the provisions of this act, and make a map or maps of said roads first proposed to be laid out, built and improved and file the same with said highway commission.
Superintendent to lay out roads.	In laying out and surveying the roads of the county for the purposes aforesaid, said superintendent shall, in so far as practicable, lay out the public roads in the several townships so as to connect with other roads in the other townships that will be to the greatest convenience of the inhabitants of the county and of the various town-
Road map.	ships. Said roads shall be laid out so as not to require in the building thereof or repairing of the same a greater grade than is hereafter provided in this act. After the roads shall have been laid out and surveyed as hereinbefore provided, and maps thereof filed with the highway commission, the said commission shall give ten days notice thereof in some newspaper published in the county and fix a time in said notice for the hearing of any objections to the location and survey of said roads by said superintendent, at which time any citizen of the county may appear before said commission and object to the location of any road as laid out and surveyed by said superintendent, and the said commission shall thereupon either approve of the location and survey made by said superintendent or order any changes in said location and survey that the commission may determine upon, but the decision of the said highway commission after said hearing shall be final as to the location of said roads: <i>Provided</i> , that when the public roads have been located and surveyed as herein provided in any one township the said highway commission may, in its discretion, publish the notice aforesaid and finally determine the location of the public roads in such township before taking up the matter of the permanent location of the public roads in other townships.
Road connections.	
Grade.	
Notice of time for filing objections.	
Action of commission.	
Proviso: location by townships.	
Duties of superintendent.	SEC. 23. It shall be the duty of said superintendent of roads, subject to the approval of the highway commission of said county, to supervise, direct and have charge of the maintenance, repair and building of all public roads in the county, and shall superintendent the building of all bridges in said county, and shall submit to said
Bridges.	

highway commission a monthly report concerning the work in progress and shall submit a quarterly report on the condition of the public roads, and bridges and plans for their improvement, and he shall include in this quarterly report an inventory of all tools, implements, teams and other equipment on hand. Said superintendent, before entering upon the duties of his office, shall deposit with the highway commission a good and lawful bond, to be approved by said commission, in a sum to be fixed by said commission, 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 therein. The said superintendent shall cause mile-posts to be put up at all crossings and at other convenient places, and any person who shall willfully deface, tear down or injury the same shall be guilty of a misdemeanor.

Monthly reports.  
 Quarterly reports.  
 Inventories.  
 Bond of superintendent.  
 Mile-posts.  
 Injury to mile-posts a misdemeanor.

SEC. 24. The public roads or highways where changed or located or re-located by said superintendent shall be given a grade nowhere greater than five feet in one hundred feet, and a width not less than thirty feet, clear of ditches, trees, logs and other obstructions, except in cuts and fills; and the said superintendent, under the directions of said highway commission, may, in his discretion, appropriate as much as forty feet for said public roads. All roads shall be thoroughly drained and wherever it may be necessary to turn water across the road this shall be done by putting in sewer pipe, or other forms of covered drains or culverts.

Grade and width of roads.  
 Drains.

SEC. 25. That, for the purpose of carrying out the provisions of this act, the said superintendent and said highway commission are hereby authorized to enter upon any lands near to or adjoining such roads, to cut and carry away timber, except trees or groves upon improved lands planted or left for ornament or shade, to conduct, or cause to be conducted and carried away any gravel, sand, clay or stone which may be necessary to construct, improve and repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches over the same as he may deem necessary for the betterment of the road, doing as little injury to said lands or the timber or improvement thereon as the nature of the case of the public good will permit, and the drains and the ditches so made shall be conducted to the nearest ditch, watercourse, or waste ground, either on or off said road, and shall be kept open by said superintendent, or other person or officers working under his supervision, and shall not be obstructed by the owner or occupant of such lands, or any other person or persons, under the penalty of imprisonment or work on the public roads of the county for not less than ten days nor exceeding twenty days for each and every offense. And each and every such offense is hereby declared a misdemeanor. 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

Entry on lands for materials.  
 Drains and ditches.  
 Penalty for obstruction of drains and ditches.  
 Claims for material.

account of the same at any regular meeting of the board of road commissioners of the township in which said timber, stone, gravel, sand or clay were taken within sixty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said board of road commissioners to pay for the same a fair price out of the road funds in the hands of the treasurer of their township, and before deciding upon this they may cause to be appointed an impartial jury of three freeholders of said township, 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 highway commission of the county for revision or confirmation, and the decision of said highway commission of the county shall be transmitted to the board of road commissioners of said township and shall be final, and shall be paid by the said board of road commissioners of said township, as hereinbefore provided: *Provided*, that the said landowner, or his agent, shall have the right of appeal from the decision of said county highway commission in the same manner as is hereafter provided for appeals in proceedings for condemnation of land for said public roads.

SEC. 26. That, subject to the approval of the highway commission of said county, the county superintendent of roads is hereby given discretionary power, subject to the provisions of this act, to locate, re-locate or change any part of any public road where in his judgment such location, re-location or change will prove advantageous to the public travel: *Provided*, such change shall not substantially vary from the original location provided by this act as contained and designated on the maps hereinbefore provided for; that when any person or persons on whose land the new road, or part of the road, is to be located by any of the provisions of this act, claims damages therefor and within sixty days petitions the board of road commissioners of the township in which said road is situate 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 of the township, as provided by law, who shall give said landowner, or his representative, three days notice of the time and place when and where said jury will meet to assess damages, and said jury being duly sworn, and considering the question of damages, shall also take into consideration the benefits of 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 findings to the board of road commissioners of said township for confirmation or revision: *Provided*, that if said landowner be a nonresident of the county and have no legal representative, it shall be deemed sufficient service of such notice for the

Payment.  
Assessment of  
damages.

Proviso: right of  
appeal.

Location and  
changes.

Proviso: limit  
of change.

Claims for dam-  
ages.

Assessment of  
damages.

Proviso: notice  
to nonresident  
landowners.

sheriff or constable to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury to the last known post-office address of such landowner 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: *Provided, further*, that the said board of road commissioners of said township shall have power and authority to pay said damages out of the road funds of said township when a claim therefor is duly presented in writing, if said board is able to agree upon the amount of such damages with said landowner.

Proviso: payment of damages.

SEC. 27. That in case the said landowner, or his representative shall be dissatisfied with the findings of the jury provided for in this act and with the decision of the board of road commissioners of said township, such dissatisfied party may appeal from the decision of said board to the superior court of the county, all such appeals being governed by the law regulating appeals from the courts of the justices of the peace, and the same shall be heard *de novo*, but the judge may, in his discretion, require said landowner to give bond for costs when the case is taken by appeal to the superior court.

Right of appeal.

Hearing on appeal.

Bond for costs.

SEC. 28. The board of road commissioners of each township in said county shall have, through such agents as said board may appoint, full charge of the building, repairing, grading and macadamizing of the public roads situate within said township after their location, as provided by this act, but such work shall be done under the general supervision and in accordance with the directions of the county superintendent of roads. For said purpose the said road commissioners of each township shall have authority to appoint a township road supervisor who shall have charge, subject to the directions of the county superintendent, of all the hands employed upon the working of said public roads in said township, and generally to superintend the building and repairing of said roads, and the purchase of such machinery and tools as may be necessary, or the said board of road commissioners may, under the direction of said county superintendent, let out the building of the public roads in said township, or any part thereof, by contract, but the said board of road commissioners shall proceed with the building, repairing, grading and macadamizing of the said public roads in their respective townships in accordance with the direction of said county superintendent of roads and the highway commission of said county, and the said highway commission of said county shall be the judge and shall direct with what dispatch the building thereof shall proceed, and the extent of the funds appropriated to said township that shall be expended on the public roads of such township during any one year. The said board of road commissioners of each township shall have all the powers and jurisdiction conferred on the justices of the peace of the township as a body over cartways in such township.

Powers of township commissioners.

Road supervisors.

Powers and duties.

Roads let to contract.

Direction of road work.

Powers of highway commission.

Cartways.

Orders on township road funds.

SEC. 29. The said board of road commissioners of each township shall, from time to time as the same may become due, and after such claims shall have been passed upon and allowed by them, issue written orders on the treasurer of the township, signed by the chairman of the board and countersigned by its secretary, for the payment of the expenses of building and repairing roads in their townships, and for the purchase of such machinery and other tools as may from time to time become necessary. A complete itemized account of all orders issued and funds expended shall be kept by said board and an itemized report thereof made quarterly to the highway commission of Moore County. The orders or vouchers so issued by said board of road commissioners of said township shall be honored and paid by said township treasurer and shall be the only sufficient vouchers in his hands for the disbursement of said fund.

Itemized accounts and reports.

Vouchers.

Rules and regulations for expenditure of money.

SEC. 30. The highway commission of Moore County shall have power and authority to make all necessary rules and regulations for the proper expenditure of the moneys provided by this act from time to time upon the public roads of said county, as in this act provided, and in any case where adequate machinery is not provided for said expenditure, or where sufficient power is not granted for that purpose to any other officer or person, such power shall be vested in said highway commission, and they shall have full power and authority to make all necessary regulations and rules for the carrying out of the purposes of this act.

Powers not specifically granted.

Failure of officers to make returns or discharge duties misdemeanors.

SEC. 31. 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.

Consideration of convict work.

SEC. 32. The highway commission of said county may, in its discretion, at any time determine whether it is to the best interests of the inhabitants of the county to work convicts upon the public roads of said county, as provided by law. If at any time the said highway commission shall determine that it is to the best interest of the county to work convicts upon the public roads of said county they shall make an order to that effect, which shall be recorded in the minutes of said highway commission, and thereupon the provisions of sections eight and nine of chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine shall be applicable to Moore County and shall become part of this act, and upon application of the highway commission of said county to the judges of superior court and criminal courts, as provided in section nine of this act, the said judges shall sentence the prisoners referred to in said section for work upon the public roads of Moore County. The officers and persons having in charge

Order for convict work.

Record of order.

Law to become operative.

Application for convicts.

Authority of officers.

said convicts shall have all the authority conferred by law on the authorities of the State Penitentiary in the working, guarding and retaining in custody such convicts.

SEC. 33. That nothing in this act shall be construed to release the board of commissioners of Moore County from the duty of building and maintaining all bridges on the public roads of said county, as is now provided by law. Bridges.

SEC. 34. Each township in said county and the highway commission of said county are authorized and empowered to accept conveyances of real estate for the use of parks, gardens, or public places, whether adjacent to or near any public highway, and to hold the same for such purposes and for the use of the public at large, and to make such improvements upon said parks, gardens or public places as in their discretion they may deem expedient, and for that purpose are authorized and empowered to accept gifts or donations for the improvement of such parks, gardens or public places, and are authorized and empowered to make all suitable rules and regulations for the proper management, improvement and government of such parks, gardens or public places to be kept open for the use of the public under said rules and regulations. Parks, gardens and  
and public places.  
Improvements.

SEC. 35. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 36. That this act shall be in force from and after its ratification.

Ratified this 1st day of March, 1911.

#### CHAPTER 421.

#### AN ACT TO PREVENT THE DEPREDATION OF TURKEYS IN BAKERSVILLE TOWNSHIP, MITCHELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons who raise turkeys for the market or for other purposes to permit turkeys to run at large in Bakersville Township, Mitchell County, N. C., after being notified as set out in section two of this act, on the lands of any other person while such lands are under cultivation in any kind of grain or feed stuff or while being used for gardens or ornamental purposes. Permitting turkeys to run at large forbidden.

SEC. 2. That any person so permitting his turkeys to run at large in the above-named territory, after having been notified to keep them up, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars. Misdemeanor.  
Punishment.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 422.

AN ACT TO AMEND SECTION FOUR THOUSAND THREE HUNDRED AND FORTY-NINE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE BOARD OF COUNTY CANVASSERS OF CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

To meet second day after election.

SECTION 1. That section four thousand three hundred and forty-nine of The Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the words "Carteret and" in line seven of said section.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 423.

AN ACT TO AMEND SECTION TWO THOUSAND EIGHT HUNDRED AND TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO PAY OF SURVEYORS' IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Sum allowed by court.

SECTION 1. That section two thousand eight hundred and two (2.802) of The Revisal of one thousand nine hundred and five (1905) be amended by inserting between the words "day" and "for" in line fifteen of said section the words, "or such greater sum as the court may allow."

Application of act.

SEC. 2. That this act shall apply only to Montgomery County.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 424.

AN ACT FOR THE IMPROVEMENT OF PUBLIC ROADS IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

Road district created.

SECTION 1. That Washington Township, Chocowinity Township and Long Acre Township, in Beaufort County, North Carolina, be and they are hereby created a "road district."

Election of road commissioners.

SEC. 2. That at the first regular meeting of the board of county commissioners of Beaufort County after the ratification of this act,

the said board shall proceed to elect three persons, who shall be duly qualified voters living within the territory defined in section one, who shall constitute a "board of road commissioners" for said district; one of the said commissioners shall be elected for the term of two years; one of the said commissioners shall be elected for the term of four years, and one of said commissioners shall be elected for the term of six years, and they shall hold office until their successors are elected and qualified as hereinafter prescribed. The said "board of road commissioners" is hereby made and created a body politic and corporate, and may sue and be sued, plead and be impleaded, shall have a corporate seal which they shall adopt, and shall be vested with such powers and duties as may be conferred by this act. The said "board of road commissioners" shall within ten days after their election meet, upon five days notice, to be given by the clerk of the board of county commissioners of Beaufort County, and shall proceed to elect one of their members as chairman of said "board of road commissioners." Said chairman shall preside at all meetings of said board. Said "board of road commissioners" shall also elect as treasurer and secretary some qualified voter residing within said district, who shall act as treasurer and secretary for said "board of road commissioners." Said "board of road commissioners" in said election need not be confined to one of their own body. Said secretary and treasurer, before entering upon the discharge of his duties, shall enter in a penal bond in the sum of ten thousand dollars (\$10,000), which said bond shall be approved by the "board of road commissioners," said bond when so approved shall be registered by the register of deeds of Beaufort County, in the book of "Official Bonds" and filed in his office.

Term of office.

Board of road commissioners incorporated.

Corporate powers.

Meeting for organization.

Notice of meeting.

Election of chairman.

Treasurer and secretary.

Bond of secretary and treasurer.

SEC. 3. The board of county commissioners of Beaufort County shall at the same time they levy other taxes levy on the polls and property embraced in said district described in section one hereof, taxes as follows:

Levy of road tax.

1st. On all real and personal property in said district a tax not to exceed ten cents on the hundred dollars valuation of taxable property.

Property tax.

2d. On all polls residing in said district and outside of the corporate limits of the city of Washington, North Carolina, a tax not to exceed two dollars (\$2) on each poll annually.

Poll tax.

3d. That said "board of road commissioners," in lieu of said tax, may receive from any person liable therefor, four days of labor, and should any person residing within said territory or district fail to pay said poll tax or perform said labor in lieu thereof, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Labor in payment of tax.

Failure to perform labor or pay tax a misdemeanor.

SEC. 4. That the treasurer of said "board of road commissioners" shall pay out the road funds belonging to said district, only

Orders on road funds.

- upon written orders signed by the chairman of said "board of road commissioners," and it shall be his duty to keep a correct account of his receipts and disbursements, showing what sums have been received, from whom received and for what received, to whom paid out, and for what paid out. His books and accounts shall be examined annually by the finance committee of Beaufort County, and it shall be their duty to publish a statement or summary of said books at the court-house door of Beaufort County, and also at some public place in each of said townships embraced in said district, and in some newspaper published in said district. The costs of said publication shall be paid out of said road funds, and shall not exceed the rate allowed by law for publishing the county's annual statements.
- Accounts.**
- Examination of books.**
- Publication of statement.**
- Cost of publication.**
- Appointment of overseers.**
- Term of office.**
- Power of removal.**
- Sheriff to give notice of delinquents.**
- Chairman of road commission to prosecute.**
- Returns of overseers to sheriff.**
- Service of overseer.**
- Pay.**
- Audit of bills.**
- Pay of road commissioners.**
- Compensation of secretary and treasurer.**
- Cost of bond.**
- SEC. 5. That the said "board of road commissioners" shall at their first meeting after their election or as soon thereafter as practicable appoint road overseers for the various public roads of said district, whose terms of office shall continue for one year or until their successors are appointed. The said "board of road commissioners" shall have power and authority to remove for good cause shown any road overseer by them appointed at any time.
- SEC. 6. The sheriff of Beaufort County shall on or before the first day of June in each and every year hereafter notify, in writing, the chairman of the said "board of road commissioners" of all male persons residing within said district that were liable for said poll tax, and who have not paid the same for the preceding year, and who have not performed the road duty as herein required. It shall thereupon become the duty of said chairman of said "board of road commissioners" to swear out a warrant before the proper court for all such persons, and to prosecute the trial thereof and the returns of said sheriff shall be taken and considered as *prima facie* evidence of the failure to pay said taxes or to perform said duty. The overseers appointed under this act shall on or before the 15th day of May in each year hereafter return to the sheriff of Beaufort County a list of all persons performing and doing road duty within said district.
- SEC. 7. That any person appointed overseer shall be required to serve, if so desired, by the "board of road commissioners" for the term of one year, and may be paid the sum of two dollars per day for every day he is actually engaged in the performance of his duties. All bills shall be audited by the "board of road commissioners," and the members of the "board of road commissioners" of said district shall be paid out of the road fund of said district, not exceeding two dollars per day and mileage while actually engaged in the necessary business of the board. The "board of road commissioners" shall fix the compensation of the secretary and treasurer of said board, which shall not exceed the sum of one hundred dollars (\$100) per annum. The cost of the bond of said secretary and treasurer shall be paid out of the road fund of said district.

SEC. 8. When the terms of office of the "board of road commissioners" hereby created shall respectively expire, and as they shall expire, it shall be the duty of the board of county commissioners of Beaufort County to elect their successors to office. Each election so made shall be for a term of six years.

Election of successors to road commissioners.

SEC. 9. Said "board of road commissioners" shall have full authority and control over the working of the public roads of said district, and for said purpose they shall have full authority and power to employ such labor as they deem proper, and to purchase and use such machinery and other equipments as they deem necessary; they shall also have authority to use and employ the county convict force or chain gang, when they so desire, upon paying to the treasurer of said county of Beaufort the full cost of maintaining said convict force during the period it shall be used by the said board of commissioners for said district: *Provided*, that this section shall not be construed to deprive the other townships in said county of Beaufort from using said convicts for their pro rata of their time in each year. If they so desire, and upon their request for the use of said convicts, upon the same terms as herein stipulated, it shall be the duty of the board of county commissioners of Beaufort County to allot said convicts to said townships in their alphabetical order, which relation shall hereafter be followed: *Provided, further*, that the board of county commissioners of Beaufort County shall at any time have and retain the right to disband said convict force or chain gang. No township in said county shall be entitled to the use of said convicts unless it pays the cost and expenses of maintaining them while they are employed in its work. The board of county commissioners shall at any and all times have the right to appoint and control the superintendent and the guards necessary for said convict force and shall retain control thereof, subject only to the direction of the said "board of road commissioners" or of the representatives of the other townships of Beaufort County, as to where and how the work required shall be done. The chairman of the board of county commissioners shall on or before the first day of each month after this law becomes effective submit to the chairman of the said "board of road commissioners" or representatives of said townships an itemized statement of the expenses of maintaining said convict force for that part of the preceding month for which it was used by said road district or township in said county, and it shall thereupon become the duty of the said chairman or the proper authorities of the other townships to issue a voucher, within ten days thereafter, for said sum, which voucher shall be made payable to the treasurer of Beaufort County, and shall be by him credited to the general county fund.

Term.  
Authority and control of road work.

Use of convict force.

Proviso: rights of other townships.

Allotment of convicts.

Proviso: disbandment of convict force.

Maintenance of convict force.

Superintendent, guards and control of convicts.

Settlements for maintenance of convicts.

SEC. 10. That except as hereinabove provided, no person shall be required to work upon the public roads of the district hereinabove described and located.

Road duty abolished.

Power to change, create and discontinue roads.

SEC. 11. The said "board of road commissioners" shall have full power and authority to change the location of any road within said district, and shall have full power and authority to create new roads and to discontinue old roads, and for any or all purposes they shall have all of the rights and powers conferred upon the board of county commissioners and boards of supervisors by The Revisal of one thousand nine hundred and five of the laws of North Carolina. Said powers, authority and duties shall be confined exclusively to said district described in section one hereof.

Petition for election on bond issue.

SEC. 12. Said "board of road commissioners," upon a petition from twenty-five per cent of the registered voters residing in said district, at any time within two years from the ratification of this act, may petition the board of county commissioners of Beaufort County for an election to issue road bonds in a sum not to exceed one hundred thousand dollars (\$100,000) in a denomination of five hundred dollars or one thousand dollars each, at the option of the purchaser, said bonds to bear interest at not more than five per cent, payable semi-annually, at a place to be designated by the purchaser. Said bonds to run not less than thirty nor more than fifty years. Upon receipt of said petition the county commissioners of Beaufort County shall examine and canvass the same, and if they find the same has been signed by twenty-five per cent of the registered voters residing within said district, it shall be their duty to order and hold an election upon the question of issuing said bonds.

Amount.

Denominations.

Interest.

Maturity.

Canvass of petition.

Order for election.

Law governing call and election.

Tickets.

Appropriation of proceeds.

Sinking fund.

Sinking fund commissioners.

Investment of sinking fund.

Effect of election.

Authentication of bonds.

Election returns.

Canvass and record of returns.

The election shall be called and held under the same law that applies to elections for "special tax districts." Those in favor of issuing bonds shall vote a ticket, written or printed, "For Bond Issue"; those opposed shall vote a ticket, written or printed, "Against Bond Issue." All of the proceeds from the sale of said bonds, should they be voted, shall be used for road improvements, and out of the tax created by this act there shall be set aside a sinking fund of fifteen hundred dollars per annum, which said sum shall be paid from the levy on property and polls to the sinking fund commissioner hereinafter provided for. Said sinking fund, together with interest on the same, shall be held and used for the purpose of retiring said bonds at their maturity, and the same may be invested by said sinking fund commissioner during said term as is by law authorized for guardians.

SEC. 13. If a majority of those voting shall be in favor of said bond issue, it shall be the duty of said "board of road commissioners" to issue said bonds, which shall be signed by their president and attested by their secretary. Said bonds may be coupon or registered. The returns of said election shall be made to the board of county commissioners of Beaufort County, who shall canvass said returns, and declare the result, and order the returns registered in their minutes.

SEC. 14. Should a majority of the voters be against the issuance of said bonds, the same shall not be issued, but it shall not in any manner affect or invalidate the remainder of this act.

Vote against bonds not to invalidate act.

SEC. 15. Should a majority be in favor of the issuance of said bonds upon an election held hereunder, it shall be the duty of the

Election of sinking fund commissioner.

“board of road commissioners” to elect some suitable and discreet person as sinking fund commissioner, and before entering upon the

Bond of commissioner.

discharge of his duties he shall enter into good and sufficient bond for the performance thereof, which bond shall be increased from

time to time, as it may be necessary, in the discretion of said commissioners, so that the same shall always be equal to at least the

Cost of bonds.

amount in the hands of said sinking fund commissioner. The cost of said bond shall be paid out of the sinking fund. The accounts

Audit and publication of accounts.

of the sinking fund commission shall be annually audited by the board of road commissioners of said district, and shall be submitted

to the finance committee of Beaufort County to be published as hereinabove provided for. His compensation shall be the same

Compensation of commissioner.

as that now allowed by law to the treasurer of Beaufort County.

SEC. 16. That if any other township in Beaufort County desires to adopt for itself this law it may petition at any time within the next

Adoption of law by other townships.

two years after the ratification of this act, to the board of county commissioners of Beaufort County, for an election upon said question.

Said election shall be ordered upon a petition of twenty-five per cent of the registered voters of said township. If a majority

Election ordered on petition.  
Effect of election.

of said voters in said election are in favor of the adoption of this act for their township, then said township so voting in favor of

the adoption of said act shall become a separate road district, and shall elect its board of road commissioners and shall have the right

to vote upon the question of issuing bonds as hereinabove provided. All of said elections shall be held under the same rules and regulations

Law governing election.

as herein prescribed. Nothing herein contained shall give to any township the right to become a part of the district created by

section one of this act.

SEC. 17. The taxes herein provided for shall be first levied on the first day of June, one thousand nine hundred and eleven and annually thereafter. The present law with reference to working roads

Levy of tax.

with this exception shall be in force until September first, one thousand nine hundred and eleven. From September first, one thousand nine hundred and eleven and thereafter this law and all parts

Continuation of present law.

thereof shall be in full force and effect, and on and after that date all laws and clauses of laws in conflict with this act are hereby

When this act effective.

repealed.

Ratified this the 1st day of March, 1911.

## CHAPTER 425.

AN ACT TO PREVENT THE KEEPING OR SALE OF LIQUOR  
BY SOCIAL CLUBS IN STANLY COUNTY.*The General Assembly of North Carolina do enact:*Having or keep-  
ing liquors for-  
bidden.

SECTION 1. That it shall be unlawful for any club or organiza-  
tion, whether incorporated as a social club or otherwise, to have or  
keep on hand either for the purposes of sale or for the use of its  
members, or to provide lockers for the storage or safe keeping for  
the use of its members, officers or other persons, any intoxicating,  
spirituous, vinous or malt liquors, the sale whereof is prohibited by  
the laws of North Carolina.

Lockers forbidden.

Keeping liquors in  
lockers or other  
receptacles for-  
bidden.

SEC. 2. That it shall be unlawful for any person, being a member  
of any such club, or otherwise, to store or keep in a locker or other  
receptacle provided by any social club or organization any vinous,  
spirituous or malt liquors, the sale whereof is prohibited by the  
laws of the State of North Carolina.

Misdemeanor.

SEC. 3. Any person, corporation or organization violating the pro-  
visions of this act shall be guilty of a misdemeanor, and shall be  
fined or imprisoned, at the discretion of the court.

Punishment.

Application of  
act.

SEC. 4. This act shall apply to Stanly County only.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 426.

AN ACT TO PROTECT THE PUBLIC BRIDGES IN EDGECOMBE  
COUNTY.*The General Assembly of North Carolina do enact:*

Limit of speed.

SECTION 1. That from and after May first, nineteen hundred and  
eleven, it shall be unlawful for any person or persons to ride or  
drive a horse, mule or other animal on or over any public bridge  
spanning any river or creek in Edgecombe County, faster than a  
walk.

Misdemeanor.

SEC. 2. That any person or persons violating this act shall be  
guilty of a misdemeanor and fined five dollars for each and every  
offense.

Punishment.

Notice to be  
posted.

SEC. 3. The county commissioners of Edgecombe County shall  
post in a conspicuous place at each end of the bridges spanning  
said creeks and rivers a notice of the penalty herein set forth.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 427.

AN ACT TO DRAIN THE LOWLANDS OF BIG LONG CREEK  
AND ITS TRIBUTARIES IN GASTON COUNTY.

Whereas, there are many acres of land on Big Long Creek and its tributaries, in Gaston County, that have been, are now and are liable to be greatly damaged and diminished by reason of the shallow and narrow channel of said creek and the failing of same, by reason of the limited and sluggish flow of said creek and improper drainage; and, whereas, by reason of same the bottom lands overflow and become wet and soggy, the formation of cesspools and the injured condition of the soil, the health of the community has been greatly injured and much sickness caused thereby; and, whereas, a conservative assessment upon the acreage to be benefited would make a fund sufficient, if wisely and judiciously expended, to lower the channel and bed of said stream by excavation, the widening and changing of the creek, and removing the obstruction, giving said creek a better fall and outlet for the water, would thereby greatly remedy and improve the condition of the land, making same productive to cultivation, increasing its value, and more especially improve the sanitary condition and health of the public and community in general; and, whereas, it is impracticable to do this much needed work without legislative aid, whereby there can be concentrated effort equally and mutually beneficial to all the owners, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That a commission of three men, to wit: G. L. Best, J. Alonzo Phyne, O. P. Rhodes of Gaston County, North Carolina, and their successors in office, be and they are hereby appointed and constituted a commission for the purpose of carrying out the work suggested in the preamble of this act, to be known as Gaston County Drainage Commission, Number One, of Gaston County, North Carolina, and in that name they shall be a corporation, with power to have a corporate seal, sue and be sued, contract and be contracted with, and generally to do whatever may be necessary to be done in order to make effectual the drainage of Big Long Creek and its tributaries, in Gaston County, North Carolina, between the shoal at what is commonly called White and Jenkins mill, and the Catawba River near Spencer's Mountain cotton mill, in Gaston County, which said power and authority shall embrace the right to purchase all necessary machinery, dredging machine, tools, appliances and other material to carry out said work, and to issue the note or bond of the obligation of said corporation in an amount not exceeding fifteen thousand dollars, payable in amounts to be fixed by said commission and at stated intervals, not exceeding ten years,

Preamble.

Preamble.

Preamble.

Preamble.

Commissioners appointed.

Corporate name.

Incorporation.

Corporate powers.

Territory.

Machinery and material.

Power to issue note or bond.

Amount. Maturity.

to be fixed by said corporation or commission; and said commission or corporation shall be possessed of all such powers as are usually granted and pertain to corporations.

Meeting and organization.

SEC. 2. Said commission shall meet and organize as soon as possible, and at the first meeting shall elect one of their number chairman, another vice chairman and another secretary, and may elect an outsider treasurer or may consolidate the offices of secretary and treasurer, and shall direct the secretary to procure necessary books upon which to keep a perfect record of all dealings and transactions of said commission or corporation, and shall have the authority and right at any time to employ a superintendent or overseer and hands to do said work, and fix their compensation and date of payment of same in the name of said corporation; and shall also have the authority, in the discretion of the said commission, to contract for the whole of said work or a part of same, and to enter into contract for letting of same and the payment of said work, and to employ counsel.

Record books.

Superintendent and hands.

Compensation.

Work may be let to contract.

Employment of counsel.

Estimate of lands.

SEC. 3. The said commission shall make a just estimate of all the lands along Big Long Creek and its tributaries within Gaston County and within the terminal points mentioned and designated in section one, that will in their judgment be benefited, either generally or specially, by the work proposed and contemplated to be done, and make a list of the owners of said lands with the estimated number of acres to be benefited by each owner; and in making said estimate the said commission is authorized to take into consideration and estimate all lands lying within one-half mile of the center of Big Long Creek, the measurement to be air line and at right angles to center of said creek, upon either and both sides of said creek, and upon all tributaries of Big Long Creek, extending up said tributaries from the point where same empties into Big Long Creek for a distance of one and one-half mile, and all lands upon said tributaries and within one-fourth of a mile of the center of said tributary streams, measured at right angles and air line from center of said tributary streams, on both and either sides of same, and shall be measured and estimated, and said commission shall make a just estimate of all lands on Big Long Creek and its tributaries, within the radius prescribed and limits herein defined, as in their judgment will be benefited, either generally or specially, and both, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by same, and assess said landowner or owners a larger amount in accordance with the special benefits. Said commission is further authorized and empowered to employ a competent engineer to do such surveying as is necessary and desired by said commission and as may be required by this act. That the boundary as herein described be and the same is established as a drainage district.

Lists of landowners.

Extent of estimate.

Estimate of special benefits.

Employment of engineer.

Drainage district.

SEC. 4. It shall be the further duty of the said commission to view and personally examine the land embraced within the radius mentioned in paragraph three herein, and classify it with reference to the benefit it will receive from the canaling and improvement and work contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and the fertility of the soil, which shall be considered in determining the amount of benefits it will receive from the contemplated improvements. The land benefited shall be separated into five classes: The land receiving the highest benefit shall be marked "Class K," that receiving the next highest benefit "Class L," that receiving the next highest benefit "Class M," that receiving the next highest benefit "Class N," and that receiving the smallest benefit "Class O." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be estimated as nearly as practicable and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commission or found by them shall be in the ratio of five, four, three, two and one—that is to say, as often as five mills per acre is assessed against the lands in "Class K," four mills per acre is assessed against the lands in "Class L," three mills per acre in "Class M," two mills per acre in "Class N," and one mill per acre in "Class O." This shall form the basis of the assessment of benefits to the lands. That after said commission has assessed the benefits to the lands they shall give notice at the court-house door in Gastonia, Gaston County, and by posting notice at five points along the line of Big Long Creek, appointing a day on which said board of commissioners will meet at the court-house in Gastonia, Gaston County, to hear any and all complaints of the landowners of the assessments made against said lands, which said notice shall give ten days time or notice of said meeting, at which time the said commission will sit as a body, to hear and determine all complaints that may be filed with them, and shall have the right to hear any and all evidence introduced and offered in said matter, and determine the proper assessment against said complainants and fix the assessment against all the lands within the radius mentioned and set forth in section three of this act; and said commission shall have the power and authority to issue subpoenas for witnesses and hear their evidence, and punish for contempt of their proceedings or court while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said court shall have right of appeal, at said time or within ten days there-

Classification of land.

Considerations governing classification.

Classes.

Total acreage.

Estimate by classes.

Scale of assessment.

Notice of assessments.

Notice for hearing on complaints.

Hearing.

Right of appeal.

after, to the superior court of Gaston County, said appeal being taken and prosecuted as now provided in appeals in civil actions, the party appealing being required to give bond in the sum of two hundred dollars to pay all costs and assessments adjudged and awarded against him upon said appeal. Said appeal shall have priority in point of trial upon appeal to the superior court, and shall stand for trial at next term of said court, by reason of its public nature.

Bond on appeal.

Priority of trial.

Assessment roll.

SEC. 5. After the classification of the land and the ratio of assessment of the different classes to be made, thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the land ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of the land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited.

Assessment.

Drainage roll in duplicate.

This amount shall be assessed against the several tracts of land according to the benefits received, and as shown by the classification and ratio of assessment made by the commission. This drainage roll, showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof, shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the secretary as part of the records of his office and the other delivered to the sheriff or other county tax collector of Gaston County, which said roll shall show the name of the owner, the number of acres of land upon which assessments have been made, and the amount due by said landowner, and there shall be appended an order to collect the said assessments and amounts so certified, and same shall have the force and effect of a judgment, as in the case of State and county taxes, and shall be collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment roll being delivered to the sheriff for collection. After said commission has assessed against the several tracts of land according to the benefits received, as shown by the classifications and ratio of assessment as made by said commission, it shall have the right to levy an assessment upon said benefits in an amount annually not exceeding five dollars per acre, until the whole thereof is paid or said contemplated improvement completed, or if the total cost of the work is less than an average of five dollars per acre on all the land in the district the assessment made against the several tracts can be collected in one installment. in the discretion of the commission, or in two or

Order for collection.

Collection and settlement.

Annual assessments.

three installments, in the discretion of said commission, by the officer as herein directed, in the same manner as State and county taxes are collected and payable. In case the total assessment exceeds the average of five dollars per acre or even one dollar per acre or fifty cents per acre, the said Gaston County Drainage Commission, Number One, may give notice of three weeks, by publication in some newspaper in Gaston County, North Carolina, if there be one, and also by posting a written or printed notice at the court-house door in Gaston County and five conspicuous places in the drainage district, that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, and the time when payable, not exceeding in amount fifteen thousand dollars nor exceeding the amount of assessed benefits for said work and improvements contemplated, which said issues of bonds shall be for a period from date of same, not more than ten years, bearing six per cent interest. Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the treasurer the full amount of his assessment and have his land released therefrom. Neglect to pay same to the treasurer within said time shall be deemed as consenting of the right to pay his assessment in installments he thereby waives his right to any defense against collection of said assessment because of any irregularity, illegality or defect prior to that time, except in the case of an appeal, as hereinbefore provided, which is not affected by this waiver. The term "person," as used in this act, includes firm, company or corporation. At the expiration of thirty days after the publication, the Gaston County Drainage Commission, Number One, may issue bonds for the full amount of the assessments not paid in to the treasurer, together with the interest thereon, costs of collection or other incidental expenses; the bond to bear six per cent interest per annum, payable annually, and shall be paid in equal installments of not exceeding ten years, to be fixed by said commission. The said bonds so issued shall have attached thereto coupons representing the interest on said bonds, which coupons shall be due and payable annually, and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of the Gaston County Drainage Commission, Number One, and shall be signed by its chairman and attested by the secretary, and the official seal of said corporation attached, and said bonds issued shall be for the exclusive use of prosecuting and carrying on the improvement and work contemplated herein, and shall not be sold by the commission for less than par, and shall be numbered by the commission and recorded in a book for that purpose, showing the purchaser and number of each bond and where payable, and shall set out specifically the

Notice of proposed issue of bonds.

Limit of amount.

Maturity and interest.

Payment of assessment in full.

Neglect to pay construed as assent.

Person defined.

Bond issue authorized.

Maturity.

Authentication.

Exclusive use of proceeds.

Bonds not sold below par.

Record of bonds.

lands embraced in the district on which the tax has not been paid in full (tax herein meaning assessment), and which land is assessed for the payment of the bond issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon lands assessed for the payment of said bonds and the interest thereon as they become due, and shall be collected in the same manner by the same officers as the State and county taxes are collected. If any installment of principal and interest represented by the said bond shall not be paid at the time and in manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said commission and corporation of said district, wherein the court may issue a writ of mandamus against the said drainage commission, its officers, including tax collector and treasurer, directing the levying of a tax or special assessment, as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installment of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the sheriff or other tax collector of said county shall be liable for the faithful performance of the duties herein assigned him, and such official bond may be increased by the board of county commissioners to meet the additional duties and liabilities imposed by this act, unless the existing bonds shall be ample to cover such increased liabilities. That in order to meet said bonds at maturity and to pay the interest on same, they are authorized, instead of collecting from the said lands so assessed for the benefits to be derived by said improvement in one full sum, to assess and collect annually a sufficient sum and levy upon the benefits of each landowner an amount annually to meet said interest and create a sinking fund to pay said bonds at maturity, and as said sinking fund accumulates the said commission is authorized to loan same and apply the interest so collected to said sinking fund, and continue to do so until said bond issue shall be discharged: and in the event said commission desires to pay off said bond issue before maturity they may assess a sufficient sum, and collect, as will pay the interest and one-fifth of said bond issue, annually, until fully paid and discharged, and in that event said commission may pay off such bonds as the holders thereof may consent, or in the event the holder shall refuse to surrender said bond at par, with accrued interest, said commission may designate the number of the bond it will pay, and publish same in some news-

Lien of assessment paramount.

Right of action.

Remedy of mandamus.

Liability of sheriff.

Increase of sheriff's bond.

Collections for interest and sinking fund.

Investments of sinking fund.

Bonds subject to call.

paper published in Gaston County, and from said date said bond shall fail to bear interest: *Provided*, the said bonds shall be affected with the conditions of this provision only when said conditions are expressed upon the face of the bonds.

Proviso: condition expressed on bonds.

SEC. 6. That the sheriff, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same, and to that end he shall have the power and remedies as he has for the collection of the public taxes, and shall receive for such services the same compensation as in the collection of State and county taxes, and shall pay over same to the treasurer of said corporation or commissioner and take his receipt therefor.

Sheriff to collect assessments.

Power and remedies.

Compensation.

SEC. 7. That said commission shall have the authority to fix the amount of the treasurer's bond and to take and accept same and file with the records of their board, and shall pay said treasurer out of the funds the sum of two per cent upon amounts paid out by him, and shall allow for each day actually served by each member of the commission one dollar for his services, to be paid out of the funds; that all orders upon the treasurer shall be signed by the chairman and attested by the secretary.

Bond and commissions of treasurer.

Pay of commissioners.

Orders on treasurer.

SEC. 8. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said watercourse shall be removed as rapidly as possible, and they shall further cause the bed of said stream to be widened to a width not exceeding thirty feet, and to lower the bed and bottom of said stream not exceeding fifteen feet, and may straighten said streams and change same at such points and places as may seem to them to be for the better flow of the water, and shall have the power to remove or cause to be removed from the banks of said stream all such growth or other hindrances as tend to retard the rapid flow of the water of said stream on occasions of high water, and shall have the right from time to time, its agents and employees or contractors, to enter upon any lands along said watercourse and tributaries for the purpose of carrying out the improvement and work contemplated in this act; and shall, after the completion of same, have the right to enter upon said lands at any time for the purpose of performing any work in making repairs and clear of obstruction all growth or matter interfering with the free flow of the water, but in doing this work they shall give attention first to the widening and lowering and excavating of the bed of said stream and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of rock and other hindrances to the rapid flow of the water.

Removal of obstructions.

Widening and deepening of stream.

Change of stream.

Obstructions cleared from banks.

Entry on lands.

Order of work.

SEC. 9. It shall be the duty of each of the members of said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or, for good causes, his office may be de-

Commissioners to qualify.

- Vacancies.            clared vacant by the other members, and all vacancies, from whatever source or cause shall be filled by the board of county commissioners of Gaston County, North Carolina.
- Power of eminent domain.        SEC. 10. If it shall be necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said creek for the betterment of the flow of the water and the improvement of the objects and purposes of this act, and in either event the power of eminent domain is hereby conferred, and the same may be condemned. Such owner or owners of the land proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the proceeds of sale of bonds or from collection of the assessments upon benefits; that every privilege, power and right to carry out the provisions of this act are granted said commission to aid in the further promotion of said work herein contemplated by this act.
- Procedure for condemnation of land.        SEC. 11. The owner of any lands that have been assessed for the costs of the construction and improvements herein directed and allowed by this act shall have the right to use same as an outlet for lateral drains from said lands; and if said lands are separated from the creek by the lands of another, and the owner thereof shall be unable to agree with said other as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file a petition with said commission herein appointed and constituted a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission herein appointed.
- Payment of damages.            SEC. 12. That the said Gaston County Drainage Commission, Number One, shall have the power and right, at their discretion, to elect or appoint a superintendent of the construction of said work and improvement, and to fix his compensation and bond for the faithful performance of same.
- Lateral drains.            SEC. 13. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out by contract, or by section, to be paid off by said commission, and to contract for the same, or it may do the work and improvement by purchasing a dredging machine or other machinery and hiring labor, under the commission's supervision or that of a superintendent. In event said commission shall decide to let said work, to bidders for the whole or by sections or any part of same, the successful bidder shall be required to enter into a contract with the Gaston County Drainage Commission, Number One, and to execute
- Arbitration for right-of-way.
- Election of superintendent.
- Compensation and bond.
- Work may be let to contract.
- Contract and bond of contractor.

bond for the faithful performance of such contract, with sufficient sureties in favor of the Gaston County Drainage Commission, Number One, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him. If any contractor to whom a portion or all of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Gaston County Drainage Commission, Number One, of Gaston County, against such contractor and his bond in the superior court for damages sustained, and recovery made against such contractor and his sureties.

Action on bond.

SEC. 14. That said Gaston County Drainage Commission, Number One, shall have full power and authority to remove any public highway bridge or railroad bridge, across any of the streams within the radius permitted in this act and fixed as a drainage district, and place same upon the bank of said stream and proceed with its work: and on account of the public nature of said work, and the general benefit to the health of the community the costs of replacing said bridges shall be borne and paid by the county of Gaston, and the county commissioners of said county will have said bridges replaced and paid out of the general county funds.

Removal and replacement of bridges.

SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said Gaston County Drainage Commission, Number One, and it shall be the duty of said commission to keep said watercourse in good repair and open, and for this purpose may levy an assessment on the lands benefited by the construction of such improvement in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said watercourse in perfect order: *Provided, however,* that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvement is constructed, or by the act of negligence of his agent or employees, or if the same is caused by the cattle or other stock of said owner, employee or agent, then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the commissioners.

Supervision and maintenance of completed work.

Assessment for repairs.

Proviso: land-owner's responsibility for negligence.

SEC. 16. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or flood gate in such way as to injure or obstruct the improvements and water flow of said stream, under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor, and upon conviction may be fined in any sum not exceeding twice the damages or injury done or caused.

Injury, damage to or obstruction of works a misdemeanor.

Punishment.

SEC. 17. That said commission or any of its agents, officers, employees or contractors shall have the right to enter upon the lands adjoining said work at any time for the purposes of said improvement, without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespass.

Entry on lands.

Prosecution of  
work.\*

SEC. 18. That, subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, until the whole of said work shall be completed and the health of the community benefited and improved.

Obstruction of  
water flow a  
misdemeanor.

SEC. 19. It shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment not to exceed thirty days, for any person or persons to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creek and lands.

SEC. 20. That all laws and clauses of laws in conflict herewith are repealed.

SEC. 21. That this act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 428.

#### AN ACT TO AUTHORIZE EAST BEND TOWNSHIP, YADKIN COUNTY, TO ISSUE BONDS FOR PUBLIC ROAD IMPROVEMENT.

*The General Assembly of North Carolina do enact :*

Road  
supervisors  
named.

SECTION 1. That R. R. Davis, E. I. Williams, W. M. Poindexter, John N. Davis, J. Lee Norman, J. G. Huff and George Steelman are hereby appointed and constituted a board of road supervisors of the public roads of East Bend Township, Yadkin County, and shall be known by the name and style of the "Board of Supervisors of East Bend Township," and shall hold office as follows: the first three until the first Monday in December, one thousand nine hundred and twelve; the second two until the first Monday in December, one thousand nine hundred and fourteen; and the last two until the first Monday in December, one thousand nine hundred and sixteen; and each and all shall continue in office until the election and qualification of his or their successors. The successors of the first three shall be elected as other township officers are elected at the regular election for State and county officers in one thousand nine hundred and twelve, and shall qualify on the first Monday of December after the election, or in fifteen (15) days thereafter, and the others in the order mentioned above every two years thereafter; that the said board of supervisors and their successors in office shall, before entering upon the duty of their office, take and subscribe an oath of their faithful performance of duty; that all vacancies by death, resignation and other cause, except expiration of term, shall be filled by the remaining members of the board for the

Name and style of  
board.  
Terms.

Election of  
successors.

Supervisors to  
qualify.

Vacancies.

unexpired term: *Provided*, that the position of road supervisor shall not constitute an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina.

Proviso: position not an office.

SEC. 2. That it shall be the duty of the said board of road supervisors to take control and management of all the roads of East Bend Township, and said supervisors are hereby vested with all rights and powers for such control and management.

Control and management of roads.

Rights and powers of supervisors.

SEC. 3. That the said board of road supervisors shall, as soon as practicable after the ratification of this act, and annually thereafter, elect from their number a chairman and a secretary and a treasurer. The treasurer shall have charge of all the road funds of the said township, and shall be required to give bond in sufficient amount to cover the funds coming into his hands. The said road supervisors shall meet at stated intervals as decided on by the said board and shall order and issue vouchers for the payment of the general expenses connected with the working and construction of roads and for the purchase of machinery and implements, which said vouchers shall be signed by the chairman and secretary of said board, and a record thereof kept by the said secretary.

Organization.

Duty and bond of treasurer.

Meetings.

Vouchers.

SEC. 4. The said board of road supervisors shall annually elect a superintendent of roads for East Bend Township, who shall be paid such compensation out of the road fund of said township as may be fixed by the said board, and who shall hold office for one year or until his successor shall be elected and qualified: *Provided*, that said superintendent may at any time be removed by said board after having been given ten days notice and a hearing, when in the opinion of the board there exist good and sufficient cause for his removal. It shall be the duty of said superintendent, subject to the approval of the said board, to supervise, direct and have charge of the construction and maintenance of all public roads in East Bend Township and shall submit to the said board a monthly report concerning the working, progress and the money expended and such other reports as may be required of him by the said board. As a guarantee of faithful discharge of the duties of his office, the said board may require of said superintendent such a bond as may be deemed advisable.

Superintendent of roads.

Compensation and term.

Proviso: power of removal

Duty of superintendent.

Reports.

Bond of superintendent.

SEC. 5. The said board may purchase all such machinery and implements as may be needed for the proper working and construction of the roads and may employ a competent engineer or surveyor and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act: *Provided*, that no person in said township shall be subject to road duty.

Machinery and implements.

Engineer.

Proviso: road duty abolished.

SEC. 6. That the superintendent of roads of East Bend Township is hereby authorized to enter upon any uncultivated lands near to or adjoining any public roads of said township, to cut and carry away timber (except trees or groves on improved land planted or left

Entry on land for material.

- for shade or ornament), to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct macadamized, sand, clay or any other kind of road that in the judgment of said board of supervisors is best to improve or repair said roads, and enter upon any lands adjoining or lying near the said roads in order to make drains or ditches through the same as said superintendent may decide necessary for the betterment of said roads, and the drains and ditches so made shall not be obstructed by the occupants of said lands or any other person, and any person obstructing such drains or ditches or shall interfere in the construction and repairing of said roads shall be guilty of a misdemeanor, and fined for each offense not exceeding fifty dollars, or imprisoned not more than thirty days. If the owner of any land from which timber, stone or clay, gravel or any other necessary substance or material were taken as aforesaid, shall present an account for the same through said superintendent to said board of road supervisors within thirty days after the taking thereof, it shall be the duty of said board to pay for same at a fair price, and in case of any disagreement as to the value, the said superintendent of roads shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said freeholders shall assess said damages and report the same in writing to the board of road supervisors, and from whose decision either party may appeal to the superior court of Yadkin County.
- Drains or ditches.**
- Obstruction of drains or ditches a misdemeanor.**
- Punishment.**
- Accounts for material.**
- Payment.**
- Arbitration of damages.**
- Right of appeal.**
- Location and change of roads.**
- Procedure for assessment of damages.**
- Proviso: right of appeal.**
- Bond issue authorized.**
- SEC. 7. That the said superintendent of roads, with the approval of the said board of road supervisors, is hereby given discretionary power to locate, relocate or change any part of any public roads in said township where in his judgment the same will prove advantageous to the public travel, that when any person in whose lands a new road or a part of the road is to be located, claims damages therefor, and, within thirty days, petitions the said board of road supervisors for a jury to assess the damages, the said board shall within not less than fifteen nor more than sixty days after completion of said road, order a jury of three disinterested freeholders of East Bend Township, to be selected and summoned by the sheriff of Yadkin County, who shall give all parties in interest forty-eight hours notice of the time and place to assess the damages, if any, and said jury, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and if such benefits be considered equal to, or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to the said supervisors for revision and confirmation: *Provided*, that such owner may appeal to the superior court of Yadkin County from the decision of said supervisors.
- SEC. 8. That the said board of road supervisors shall be and they are hereby authorized and empowered to issue bonds for the said East Bend Township, to be styled "East Bend Township Road Bonds,"

to an amount not to exceed thirty thousand dollars of such denomination and of such proportion as said board may deem advisable, bearing interest from date of issue thereof, at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times, and at such place or places, as may be deemed advisable by said board. Said bonds to be signed by the chairman and the secretary of said board, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding thirty years from date thereof, and at such place or places as said board may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times, and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of the said bonds, together with all the interest that may be due thereon, shall be attached to and imposed upon the political division of Yadkin County, known as East Bend Township, as constituted at the time of the ratification of this act.

SEC. 9. That for the purpose of providing for the payment of said bonds and interest thereon and for the construction and improvement and maintenance of the roads of said township, the board of county commissioners of Yadkin County shall annually and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said East Bend Township, not to exceed thirty-five cents on the one hundred dollars assessed valuation of property, and not more than one dollar and five cents on each taxable poll, the taxes so levied shall be collected by a tax collector who shall be elected at the next general election for State and county officers, and every two years thereafter by the qualified voters of said township, and shall pay all moneys coming into his hands, as such tax collector, to the treasurer of said board of road supervisors. That said tax collector shall give bond in a sum double the amount of taxes to be collected. The John W. Smitherman is hereby appointed tax collector for East Bend Township, and shall hold said office until his successor is elected and qualified.

SEC. 10. That all funds derived from the sale of any bonds by said board of road supervisors shall be paid over to the treasurer of said board and shall be used for the purpose of constructing, improving and repairing the public roads of said township, the purchase of such material, machinery and implements and the employment of such officers and laborers as may be found necessary in the carrying out of said work.

SEC. 11. That the board of county commissioners of Yadkin County are hereby directed and required to cause to be applied upon the public roads of East Bend Township and to be turned over to

Amount.  
Denominations.

Interest.

Authentication.

Maturity.

Bonds not to be sold below par.

Liability for bonds.

Special tax for bonds and interest.

Tax rate.

Collection.

Bond of tax collector.

Tax collector named.  
Term.

Proceeds of bonds paid to treasurer.  
Appropriation.

Road taxes applied to bonds.

the treasurer of the board of road supervisors of said township for the above purpose all moneys which may be collected by reason of any levy hereafter made for road purposes against the taxable property and polls of said township to the payment of the interest of said bonds and to the improvement of the public roads in said township.

Roads may be let to contract

SEC. 12. That the said board of road supervisors are hereby empowered, if in their opinion it is advisable, to let contracts to the lowest most competent bidder or bidders the roads or any section thereof to be macadamized, sand clayed, graded or improved under the provisions of this act. The said road supervisor reserving the right to receive or reject any and all bids.

Contractors to give bond.

SEC. 13. That the said board of road supervisors, if, in case any of said roads or sections thereof are let to contract, may require of any contractor or contractors to file a good and solvent bond, the same to be approved by the said board for the faithful performance of their contract or contracts.

Bridges.

SEC. 14. That the said board of road supervisors are hereby authorized and empowered to use such amount of the funds provided for in this act as they may deem proper for the construction of or the purchasing of bridges in said township.

Pay of supervisors.

SEC. 15. The said road supervisors shall receive as compensation for their services two dollars per diem each for the time they are actually engaged in the performance of their several duties. The secretary shall receive a salary for his service an amount agreed upon by the said board. The treasurer and tax collector shall each receive such compensation and commissions as are fixed by law for county tax collectors and treasurer, the same to be paid out of the funds according to this act.

Salary of secretary.  
Compensation of treasurer and tax collector.

Security of bonds.

SEC. 16. The said bonds and coupons shall express on their face that they are payable out of the taxable property and polls of said East Bend Township, only observing the constitutional equation, and it shall be lawful for and the duty of the board of commissioners of the county of Yadkin to levy annually on the taxable property and polls of said township a sufficient tax to pay the interest of said bonds, as it shall accrue and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due.

Tax for interest and sinking fund.

Act to be submitted to voters.

SEC. 17. That all the provisions of this act shall be submitted to a vote of the qualified voters of East Bend Township, at an election to be held on a day to be designated by the board of road supervisors of East Bend Township for the holding of said election. The county commissioners of Yadkin County shall appoint a registrar and two pollholders and any other officers necessary to said election, for each precinct in said township, and shall order a new registration. At the close of said election the registrar and pollholders shall count and canvass the votes cast and declare the result thereof, and shall

Time for election.

Election officers.

New registration.

Count and canvass of vote.

Declaration of result.

report such canvass to the board of county commissioners of Yadkin County, which said report shall be recorded in the minutes of the said board of county commissioners, and no other canvass, report or recording shall be necessary. At said election all voters who favor the issue of bonds, the levy of special tax and the other provisions of this act, shall cast ballots on which shall be printed or written "For Good Roads"; those opposed to such shall cast ballots which shall be printed or written "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads" the said bonds shall be issued and tax levied and the other powers and duties exercised as provided for in this act: *Provided*, that if a majority of the qualified voters shall fail to vote "For Good Roads," the said board of county commissioners of Yadkin County shall order another election or elections to be held in the manner and with the same effect as above provided at any time within four years of the date of the first election, when requested to do so by the said board of road supervisors of East Bend Township. This act shall apply to the main streets through the incorporated towns in East Bend Township as well as the other public roads in said township.

Report of canvass.

Record.

Ballots.

Law governing election.

Effect of election.

Proviso: further elections.

Streets of towns.

SEC. 18. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 19. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2d day of March, 1911.

## CHAPTER 429.

AN ACT TO AUTHORIZE KINGS MOUNTAIN PRECINCT IN NUMBER FOUR TOWNSHIP, CLEVELAND COUNTY, TO ISSUE BONDS AND TO IMPROVE THE HIGHWAYS THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of building, grading, surveying and laying out the public roads of Kings Mountain Precinct in Number Four Township, Cleveland County, the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds for said Kings Mountain Precinct in Number Four Township, Cleveland County, in an amount not exceeding twenty-five thousand (\$25,000) dollars, in denominations not exceeding one thousand (\$1,000) dollars, bearing interest from date thereof not exceeding five (5) per cent per annum, with interest coupons attached, payable semi-annually, at such time and place as may be

Purpose of bond issue.

Bond issue authorized.

Amount.

Denominations.

Interest.

- directed by said board of county commissioners, such bonds to be of such form and tenor, and to be transferable in such way, and the principal thereof payable at such time, or times, not exceeding fifty (50) years from the date thereof, or at such place as the said board of county commissioners may determine: *Provided*, 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.
- Maturity.** *Proviso: bonds not to be sold below par.*
- Authentication.** SEC. 2. That such bonds shall be numbered and shall be signed by the chairman of said board of commissioners and attested by the treasurer of said county, and shall bear the corporate seal of said county, and the coupons attached to these bonds shall bear the number of the bonds, as well as the number of the coupon, and shall be executed by the signing of the chairman of the board of commissioners, and treasurer of said county, or by their lithographed signatures, engraved or printed thereon.
- Record.** SEC. 3. A record shall be kept by the said board of commissioners in a separate book for that purpose of all bonds sold in behalf of said Kings Mountain Precinct in Number Four Township, and to whom, amount and date of sale, and the issuing of each bond and its number.
- Special tax.** SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, to compensate laborers employed on the roads, in Kings Mountain Precinct in Number Four Township, and to establish, alter, repair, survey, lay out, grade, construct, maintain and build the public roads and highways of Kings Mountain Precinct in Number Four Township in Cleveland County in good condition, the board of commissioners of the county of Cleveland, or other authorities vested with power of levying taxes for said county, shall annually compute and levy, at the time of levying other county taxes, a sufficient tax on all polls, real estate and all personal property, and all other subjects of taxation in said Kings Mountain Precinct, which said commissioners, or other authorities, now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between taxes on property and the taxes on polls: *Provided*, there shall not at any time be levied in Kings Mountain Precinct in Number Four Township, in the county of Cleveland, for the purpose of road improvement, and including all expenditures made necessary by this act, or any act or statute now existing, a tax greater than twenty-five (25) cents upon the one hundred (\$100) dollars worth of property, and seventy-five (75) cents on each poll: *Provided, further*, that no sinking fund shall be created by such levy within less time than ten years from the date of issuing said bonds but the highway commission hereinafter created may use, for the purpose of this act, such sums of money remaining, after the interest on said bonds shall have been paid, for the purpose of carrying out the provisions of this act.
- Constitutional equation.** *Proviso: limit of rate.*
- Proviso: sinking fund.**

SEC. 5. That said taxes, when collected, shall be kept separate and apart from all other taxes, and shall be used for the purposes for which they were collected, except as specified in section four of this act. Taxes kept separate.  
Appropriation.

SEC. 6. That it shall be the duty of the board of commissioners for Cleveland County to annually invest any and all moneys received from all special taxes herein provided for a sinking fund, after said taxes shall begin to be applied for that purpose, in the purchase of any of said bonds at a price deemed advantageous to said precinct by the board of commissioners, and to be agreed upon by them and the owners thereof, but in case said precinct bonds can not be purchased at a satisfactory price, then the said commissioners are authorized and directed to invest said sinking fund upon security approved by them, and upon terms advantageous to said Kings Mountain Precinct, and any money of said sinking fund so loaned and invested shall bear the legal rate of interest in North Carolina, and any interest from said fund shall be annually invested in the same way and the notes taken for said loan shall express on their face, that the money borrowed belongs to said sinking fund of the said Kings Mountain Precinct. Investment of sinking fund.  
  
Investment of interest.

SEC. 7. That the money received from the sale of said bonds and derived from the special tax herein authorized to be levied, except a sufficient amount to pay the interest on said bonds, and the sum set apart for a sinking fund to pay the principal of the bonds, and such other sums as may be at the disposal of the highway commission hereinafter created, shall be used by the said highway commission to purchase such necessary road working machinery as they may deem advisable, to repair, survey, create, lay out, build, construct, improve and maintain the public roads and highways in said Kings Mountain Precinct in Number Four Township, Cleveland County, and to carry out the purposes and intent and provisions of this act. Use of road fund.

SEC. 8. For the purpose of ascertaining the wishes of the voters of Kings Mountain Precinct in Number Four Township, Cleveland County, upon the question of issuing said bonds and improving the roads of said precinct, as provided for in this act, an election shall be held in said precinct at a time to be designated by the board of commissioners of Cleveland County, and said election shall only be ordered upon the petition of a majority of the registered and qualified voters of said Kings Mountain Precinct. At said election, all voters in Kings Mountain Precinct qualified to vote at said election, may vote a written or printed ticket. Those who favor the purpose of this act shall vote a ticket with the words "For Good Roads," written or printed thereon, and those who oppose the purpose of this act shall vote a ticket with the words "Against Good Roads," written or printed thereon, and if a majority of the voters of Kings Mountain Precinct in Number Four Township, Cleveland County, who vote at said election shall vote "For Good Roads," Election to be held.  
  
Petition for election.  
Tickets.  
Effect of election.

Law governing election.	then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be held and the votes canvassed, the judges and registrars paid, and the result decided in the manner and form provided for
Returns.	election of members of the General Assembly, except said election officers shall appoint one of their number to make return of the official vote of said election to the first meeting of the board of county commissioners convening after the holding of said election,
Canvass of returns.	and at said meeting the board of county commissioners shall officially canvass, determine and declare the result of said road bond election. In the event that the majority of the voters voting at
Further elections.	said election fail to vote "For Good Roads," then the provisions of this act shall be inoperative: <i>Provided, however,</i> that upon like petition the board of commissioners of Cleveland County may order another election in said Kings Mountain Precinct on the question of the adoption of the bond issue herein provided for said precinct as often as said petition shall be presented: <i>Provided,</i> that no elections shall be held closer together than six months from the date of the last election. The registrar and judges of election shall be appointed by the board of commissioners.
Election officers.	SEC. 9. All road laws now existing and in force in Kings Mountain Precinct in Number Four Township shall cease to be in force and effect on January first next, after said election is held. In the event said bonds are voted and no free labor shall be required of any of the citizens of the said Kings Mountain Precinct on and after January first next following the adoption of the provisions of this act.
Repeal of existing road laws.	SEC. 10. If a majority of the electors in Kings Mountain Precinct voting at the election shall vote "For Good Roads," then J. M. Patterson, G. H. Logan and F. J. Mauney shall be known, designated and styled the "Highway Commission of Kings Mountain Precinct," Number Four Township, Cleveland County, and their successors in office shall succeed to and inherit the powers of a body corporate and politic, as herein provided: but <i>Provided,</i> that at no time shall more than two members of said commission belong to any one political party. They shall each receive for their services three (\$3) dollars per day during the time they are actually employed in the discharge of the duties assigned them by this act. They shall be allowed all necessary expenses for postage, stationery, attorney's fees and for such other additional expenses as may be incurred by them in the discharge of their duties as herein provided. The three men named herein shall meet within ten days after the result of said election is declared, in the event the road bonds are carried, and elect one of their number chairman, and another secretary of said commission, and the chairman and secretary shall certify to the board of county commissioners the name of the chairman of said highway commission, and the name of the secretary of said high-
Free labor abolished.	
Commissioners named.	
Corporate name.	
Incorporation.	
Political affiliation.	
Pay of commissioners.	
Allowance of expenses.	
Meeting for organization.	
Organization.	
Certificate of organization.	

way commission. The term of office of J. M. Patterson shall be six years; the term of office of G. H. Logan shall be four years, and the term of office of F. J. Mauney shall be two years: *Provided, however,* that the first two years shall expire on January first following the next General Assembly election held after the voting of these bonds by the Kings Mountain Precinct, and the successor to the appointee for the two year term shall be elected at said election for a term of six years, and the four year appointee herein named shall expire on January first succeeding the second general election held after the adoption of the road bond bill, and his successor shall be elected at said general election for a term of six years, and the six year appointee's term of office shall expire on January first after the third general election held after the adoption of the bond issue, as herein provided, and his successor shall be elected at said general election for a period of six years, and the respective successors shall be elected at the time of the expiration of these terms at the same time and in the same manner as other officers are elected in Kings Mountain Precinct in Number Four Township.

SEC. 11. The highway commission of Kings Mountain Precinct herein created shall be a body corporate, with the power to sue, and be sued, contract and be contracted with, and shall have entire charge of the expenditure of the proceeds of the sale of the bonds herein authorized to be issued, and the expenditure of the fund derived from the taxes authorized by this act to be levied and collected, less the interest on the bonds issued and sold, and the amount set apart for the sinking fund, as herein provided, and before entering upon the discharge of their duties under this act, each of them shall take an oath for the faithful performance of their duties and file a bond with sureties approved by the board of commissioners, payable to the board of commissioners of Cleveland County, in the sum of two thousand (\$2,000) dollars for the faithful discharge of their duties prescribed by this act. Upon the taking of said oath and the filing and approval of said bonds, the board of county commissioners shall turn over to the said highway commission of Kings Mountain Precinct full and complete control of the roads and highways of Kings Mountain Precinct in Number Four Township, and said commissioners shall loan the highway commission of Kings Mountain Precinct the road machinery and implements now belonging to said county for so much of the time as may appear to the board of commissioners to be just and equitable to other townships that may be now or that may hereafter work their roads by taxation, or by bond issues, taking receipt therefor.

SEC. 12. It shall be the duty of the said highway commission herein created, immediately upon their qualification and organization, as herein provided, to employ some competent and experienced man for such time, or such portion of time, as they may deem necessary, to have charge as road superintendent, or engineer, of the

Term of office and election of successors. •

Incorporation. Corporate powers.

Commissioners to qualify and give bonds.

Control of roads and highways.

Loan of machinery and implements.

Employment of superintendent or engineer.

work of surveying, laying out the roads, and constructing and building same, and said commission shall have the roads of Kings Mountain Precinct in Number Four Township surveyed, graded, laid out, built and constructed in such manner and in such way as to accomplish the best results with the money herein provided for, and for the purposes herein provided. Wherever there shall be a change made in the location of any public road, or new highways opened, or old roads widened or straightened, and new land taken for the same, the highway commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways, and if the highway commission and the owner or owners of said land can not agree to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned three freeholders who shall go upon the land and assess the damages and benefits under the general road law, as it now stands: *Provided, further*, that before entering upon the lands as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner, or owners, of said land that the highways are to be located upon such land under the authority of this act: and *Provided also*, that either party may appeal to the superior court upon the assessment of damages and benefits where the matter shall be heard by jury *de novo*, but no costs shall be awarded against said highway commission on such appeal when the damages awarded by the jury are not greater than that given by the three referees, and in no case shall the highway commission be hindered from entering the lands of any person, firm or corporation by injunction. And the said highway commission are further authorized to let the work of grading or building said roads, or repairing or maintaining them, by contract for any part of said road which they may deem advisable and for the best interest of said precinct.

Survey and construction of roads.

Entry on land for location and construction.

Assessment of damages.

Proviso: notice to owners.

Proviso: appeals.

Roads may be let to contract.

Sale of bonds.

Orders on road fund.

Separate accounts.

Liability on bond.

No commissions allowed.

SEC. 13. That the board of commissioners of Cleveland County, upon demand made by the said highway commission, shall offer said bonds for sale in accordance with the terms of this act, and the request of the said highway commission, and the funds received from the sale of said bonds and from the taxes herein levied, shall be disbursed by the county treasurer with whom it shall be deposited upon orders duly signed by the chairman of said highway commission, and signed by the secretary thereof. The said county treasurer is hereby directed and required to keep a separate book of the moneys received by him from the proceeds received from the sale of said bonds, and the disbursements, and the date thereof made by him of the same, and the bonds of said treasurer shall be liable for the faithful accounting of the moneys received by him under this act. The treasurer shall receive no compensation for receiving or disbursing the funds under this act, and the sheriff, or tax collector of Cleveland County, shall receive no commission for collecting said

taxes herein authorized to be levied, and the bond of said sheriff, or tax collector, shall be liable for the faithful accounting of the taxes collected by him under this act, and the sheriff or tax collector shall collect said taxes.

SEC. 14. That in the event of a vacancy occurring by the death, resignation of any member of the highway commission of Kings Mountain Precinct, said vacancy shall be filled by the board of commissioners of Cleveland County by the selection of some citizen of Kings Mountain Precinct who shall hold the position of highway commissioner until his successor shall be elected at the next general election. The highway commission of Kings Mountain Precinct in Number Four Township, shall have all the powers, rights, authorities and privileges now granted under the general road law of the State, or any other road law which may hereafter be adopted, and shall be vested with all the power and authority which hitherto has belonged to the board of commissioners, or road supervisors, in the management, conduct and opening of roads in Kings Mountain Precinct, Number Four Township, except to require free labor of its citizens. Wherever roads are opened, created, surveyed or constructed, said highway commission shall have the power to enter upon the lands in said precinct and take therefrom sand, clay, gravel, rock, or any other substance needed in the making of said roads, and where roads have been created, or constructed, they shall have the right to enter upon the land on either side of said road and cut the timber therefrom for a sufficient distance on either side to permit the air and sunshine to reach said road to preserve it dry and in good condition: *Provided, however,* that the timber shall not be cut back from said road at a greater distance than one hundred feet on either side of said road, and for any damages which may be sustained by the landowner, either from taking the sand, clay, gravel or rock from his land, or from the cutting of timber, shall be determined and adjudicated in the same manner as provided in this act for damages for opening new roads, in the event that the said highway commission and the landowner can not agree as to damages: and *Provided, further,* that wherever any timber is cut said timber shall remain the property of the landowner. Said highway commission shall have the power and authority to determine the width, grade and location of roads in said Kings Mountain Precinct.

Elections to fill vacancies.

Powers under general laws.

Entry on land for material.

Clearance of roadside.

Proviso: limit.

Assessment of damages.

Proviso: timber to remain property of landowner.

Width, grade and location of road.

SEC. 15. That the general law shall obtain as to the granting of cartways in Number Four Township, and the applicant for a cartway shall proceed in the same manner and under the same rules and regulations as if this bill had not been passed.

Cartways.

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

Ratified this the 2d day of March, 1911.

## CHAPTER 430.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO ISSUE BONDS JONESBORO TOWNSHIP FOR LAYING OUT, BUILDING AND IMPROVING THE PUBLIC ROADS OF SAID TOWNSHIP.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.	SECTION 1. That the board of county commissioners of Lee County shall have prepared, and issue and sell to the best advantage for
Sale not below par. Amount.	not less than par and accrued interest, coupon bonds to the amount of fifteen thousand dollars, in behalf of Jonesboro Township, in Lee
Appropriation of proceeds. Denominations.	County, the proceeds to be used in laying out, building, improving and maintaining the public roads in said township. The said bonds shall be in denominations of not less than one hundred nor more than five hundred dollars, to suit the purchaser or purchasers, and shall bear interest payable semi-annually at the rate of five per cent per annum, and shall bear coupons representing the said interest. They shall be payable thirty years from the date of issue at the office of the treasurer of Lee County, or such other place in the United States of America as may be fixed by the board of commissioners of Lee County at the time of the sale of said bonds, at which place the interest on the said bonds shall also be payable.
Interest.	The date of issue of said bonds, and payment of semi-annual interest, shall be fixed at the time of said sale.
Maturity.	SEC. 2. Said bonds shall be styled "Public Road Bonds of Jonesboro Township," and the liability for the payment thereof shall be imposed upon said township, which is, for the purposes of this act, hereby created a body politic and corporate under the same style of "Jonesboro Township Road District."
Date of issue.	SEC. 3. That the provisions of chapter four hundred and fifty-six, Public Laws of one thousand nine hundred and nine, sections four, six, seven, eight, ten, eleven and twelve, are hereby reenacted and made a part of this act.
Style of bonds.	SEC. 4. That on the first Tuesday in March, one thousand nine hundred and eleven, and biennially thereafter, three men, residents of the township, shall be elected, under the rules and regulations for election of members of the General Assembly, road supervisors, who shall have power to lay out the public roads of the said township as they may deem best, and supervise the laying out, grading, building, and improving the same. They shall have power to employ a superintendent, whose duty it shall be to oversee the construction of said road, and to pay him a reasonable compensation. Said road supervisors shall receive for their services the sum of two dollars per day each while engaged in their duties under this act, but not to exceed twenty-five days in one year. Said supervisors shall hold their term of office for two years and until their successors are elected and qualified.
Liability for payment.	
Township incorporated.	
Corporate name.	
Former law applicable.	
Election of supervisors.	
Powers.	
Superintendent. Duty and pay.	
Pay of supervisors.	
Term of office.	

SEC. 5. The treasurer shall receive for handling and disbursing the fund arising from the sale of said bonds one per cent of the amount disbursed by him. Commission of treasurer.

SEC. 6. The bonds hereinbefore mentioned shall be signed by the chairman of the board of commissioners of Lee County and countersigned by the clerk of said board; and shall have printed or written upon them "Public Road Bonds of Jonesboro Township." Authentication of bonds.

SEC. 7. This act shall be in force from and after its ratification.  
Ratified this the 2d day of March, 1911.

### CHAPTER 431.

#### AN ACT TO CREATE A DRAINAGE DISTRICT ON REEDY FORK AND HAW RIVER IN GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners for the county of Guilford are hereby authorized, empowered and directed to establish a drainage district in said county, for the purpose of protecting the public health and the promotion of agriculture and stock raising. Establishment of drainage district.

SEC. 2. That the boundaries of the drainage district herein authorized shall include all the flat, wet and swamp land or lands subject to overflow along Reedy Fork Creek, and all of its tributaries, and Haw River and of its tributaries in Guilford County. Boundaries.

SEC. 3. At the next regular meeting of the commissioners after the ratification of this act, they shall order the county surveyor or other competent engineer to make an examination of all the lands, described as aforesaid, and make a map thereof, either by actual survey, or otherwise, showing the number of acres which may be drained by the means therein provided, and the name of each owner thereof. Said surveyor or engineer shall also make a report, showing any and all obstructions, either natural or artificial, which now interfere with the uniform and natural flow of said streams; he shall also report what changes, if any, should be made, in the present channels of any of said streams, in order to secure a better and more uniform flow of the waters thereof. He shall also make a careful estimate of the probable cost of the work necessary to secure the objects and purposes of this act; he shall also report such other facts, as he may deem pertinent, or which may be required by the commissioners; he shall also prepare proper specifications for the improvements aforesaid and he shall, as the work proceeds, furnish such bench marks and stakes as may indicate the proper work to be done on the ground. Survey and map. Report. Estimate of cost. Specifications.

SEC. 4. The examination and report as aforesaid shall not be delayed except for good and sufficient reasons, and at the next regu- Examination and report to be expedited.

lar meeting after said report and the accompanying papers have been filed, the commissioners shall consider the same and may amend the specifications, if good cause be shown therefor.

Condemnation of property.

SEC. 5. The commissioners shall thereupon order that all rights-of-way and property necessary to be acquired in order to carry out the purposes of this act, shall be taken and condemned for the public use, and due compensation shall be made to the owners thereof in the manner hereinafter set forth. At the same meeting the commissioners shall order that all obstructions in said streams shall be removed and the channels thereof shall be improved to the extent set forth in the final specifications adopted as aforesaid.

Compensation to owners.

Removal of obstructions and improvement of channels.

Work may be let to contract.

SEC. 6. The commissioners shall have power to let the work of improvement by contract to the lowest bidder, or they may order the same done under the direction of a competent superintendent, and they may direct that the county convicts be employed on the work, either under the contractor or superintendent. A reasonable sum shall be charged against the improvement for the use, maintenance and guarding of the convicts.

Employment of convicts.  
Charge for convicts.

Petition for damages.

SEC. 7. After the completion of the entire work of improvement, in accordance with the plans and specifications adopted, and before the expiration of thirty days thereafter, any property owner feeling himself aggrieved by reason of the construction of said improvement, or the taking of his property for the purposes thereof, may prefer his petition to the commissioners, setting forth the damages alleged in detail, and asking that the same be appraised by the jury hereinafter provided for. If no petition is filed within the time required the property owner shall be held to have consented to the taking of his property without compensation.

Consent of property owner.

Payment for work and damages.

SEC. 8. The entire cost of the examination, surveys, specifications and completion of the work, shall be paid as the same is done, and all damages assessed, shall be paid for out of the county treasury subject to recovery again from the landowners benefited, as hereinafter provided.

Procedure for assessment of damages.

SEC. 9. After the completion of the improvement, and after the time for the filing of claims for damages has expired, the commissioners shall appoint a jury of three disinterested freeholders, who shall set a time and place for meeting and give at least ten days notice thereof to each landowner and claimant for damages. The jury shall, after having been sworn to do justice to all parties, go upon the lands and view the works of improvement done, and they shall first assess the benefit and damages done to any claimant, and the difference between the two sums shall be their verdict as to him. They shall then assess the benefits done to all other landowners by pro rating a fair amount of the total cost of the whole improvement against each and every landowner, and the jury shall make written return of their findings to the commissioners.

Charges on lands.

SEC. 10. Upon receipt of the report and verdict of the jury the commissioners shall have power to charge each and every tract of

land benefited with the net amount assessed by the jury, and the same is hereby declared to be a lien against the whole tract of land benefited, and the amount thereof, if not paid forthwith, shall be added by the commissioners to the taxes charged against said tract of land, and the same shall be collected in the same manner as taxes are now collected: *Provided, however*, that the commissioners may collect the said assessment in not more than five annual installments with six per cent interest from date thereof, if the landowner should so elect, at the time of levy as aforesaid. The lien upon the land hereby created shall have priority over all other liens of whatever nature.

Collection as taxes.

Proviso: payment in installments.

Priority of lien.

SEC. 11. No injunction shall issue to delay or interfere with the completion of work for the protection of health and public improvement herein directed to be made, but any person or the commissioners may appeal to the next term of the superior court of said county from the findings of the jury as to the amount of damages awarded or the benefits assessed, and if upon such appeal the amount fixed by the viewing jury should be changed, then the commissioners shall reapportion the benefits assessed against the landowners in accordance with the final decree made in such cause or causes.

Injunction forbidden.

Appeals.

SEC. 12. Any person who shall obstruct or interfere with any surveyor or engineer or any of his employees in making the examination and surveys ordered by the commissioners, or who shall obstruct or interfere with any person performing any part of the work of improvement herein directed and required, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars and costs, or imprisoned not more than thirty days for each offense, or both, in the discretion of the court.

Obstruction of survey and work a misdemeanor.

Punishment.

SEC. 13. That wherever the word "commissioners" is used in this act, it shall be held to mean and refer to the "Board of Commissioners for the County of Guilford."

Commissioners defined.

SEC. 14. That this act shall be in force and effect from and after its ratification.

Ratified this the 2d day of March, 1911.

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## CHAPTER 432.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO ISSUE BONDS TO SETTLE THE DEBT OF THE COUNTY, TO ESTABLISH A COUNTY HOME, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying the outstanding and floating debt of the county of Lee, establishing, equipping and

Purpose of bond issue.

<p>Bond issue authorized.</p> <p>Amount.</p> <p>Denominations.</p> <p>Maturity.</p> <p>Interest.</p> <p>Authentication.</p> <p>Registration of bonds.</p> <p>Tax for interest and sinking fund.</p> <p>Tax rate.</p> <p>Bonds not to be sold below par.</p> <p>Sale of bonds.</p> <p>Separate fund.</p> <p>Specific appropriation.</p>	<p>maintaining a home for the poor of the county, and improving the public buildings and grounds belonging to the county, the board of commissioners of said county of Lee is hereby authorized and empowered to issue bonds of said county to an amount not to exceed twenty-five thousand dollars, and to be in denominations of not less than one hundred, nor more than five hundred dollars; and the said bonds shall be payable to bearer not less than twenty nor more than thirty years from date of issue, the particular period to be fixed by the board of commissioners at the time of the sale of said bonds. The said bonds shall have coupons attached, representing the interest on said bonds, which interest shall be payable semi-annually, and the said bonds and coupons shall be prepared under the direction and supervision of the board of commissioners, and shall bear interest at the rate of five per centum per annum.</p> <p>SEC. 2. The said bonds, when issued, shall be signed by the chairman of the board of commissioners, countersigned by the clerk of said board, and attested by the official seal of Lee County, and upon request of any holder or holders of said bonds, the clerk of the board of commissioners of Lee County is authorized and empowered to register said bonds and make the same payable to the order of the registered holder only; and from the date of said registration, which shall be entered upon the face of the said bonds, they shall cease to be payable to bearer.</p> <p>SEC. 3. That for the purpose of paying the accrued interest on said bonds, and to provide a sinking fund for the payment of the principal when due, the board of commissioners of Lee County shall levy and cause to be collected annually, as other taxes are collected, a tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes, not exceeding twenty cents on each one hundred dollars worth of property, and upon each taxable poll a tax not exceeding sixty cents.</p> <p>SEC. 4. No bonds issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest. Said board of commissioners is hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale, they shall give notice thereof at the court-house door of Lee County, and in one or more newspapers for thirty days.</p> <p>SEC. 5. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the payment of the said outstanding indebtedness of the county existing prior to January first, nineteen hundred and eleven, purchasing a suitable site for the aforesaid county home, erecting, establishing and equipping the same, and improving the public buildings and grounds belonging to the county, as the board of commissioners shall adjudge to be necessary, and the said board of commissioners shall cause the</p>
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treasurer to keep separate accounts of the said funds, so that the condition of the same may at all times be shown: *Provided, however,* that the purchaser or holders of any part of said bonds shall not be required to see to the application of the proceeds of the same.

Separate accounts.  
 Proviso: duty of purchasers.

SEC. 6. The treasurer of the county shall be allowed for disbursing the proceeds arising from the sale of said bonds an amount not to exceed a per centum to be fixed by the board of commissioners of said county, and by them allowed.

Allowance to treasurer.

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.

Lawful investment for trust funds.

SEC. 8. That the clerk of the board of commissioners of the said county shall provide a record in his office, in which shall be entered and kept the names of every purchaser of said bonds and the number and amount of the bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption; and the bonds and coupons, when redeemed, shall be recorded as redeemed, and shall be destroyed by fire, in the presence of the board of commissioners, and a record of such destruction shall be made and dated.

Record of bonds.

SEC. 9. That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other county taxes, and they shall in respect thereto be liable, officially as well as personally, to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and the bonds given by said officer for the collection of county taxes shall include the taxes levied hereunder.

Collection of taxes.

Liability of officers.

SEC. 10. That in order to provide for the safe keeping and investment of the funds arising from the taxes levied under this act over and above the amount necessary to pay the interest upon said bonds, the treasurer of Lee County shall open upon his books as county treasurer an account to be designated "County Home Bonds Sinking Fund," and all amounts received by said treasurer from the taxes levied hereunder which may not be necessary for the payment of the accrued and accruing interest on said bonds shall be credited to the said "County Home Bonds Sinking Fund" account, and there kept separate and distinct from all other county funds for the purpose of paying the principal of said bonds at maturity; and the said treasurer is hereby authorized and directed to invest any amounts which may belong to said funding bonds sinking fund, from time to time, in safe interest bearing securities, payable to said treasurer for the use and benefit of said sinking fund: *Provided,* that no investment of said funds shall be made until the security therefor, and the loan or investment itself, have been approved by the board of commissioners of Lee County; and the treasurer shall be liable on his official bond for the faithful and honest performance of the

Sinking fund.

Amounts credited to sinking fund.

Investment of sinking fund.

Proviso: approval of investments.

Liability of treasurer.

duties imposed upon him under the provisions of this act. In fixing the bonds of the sheriff and treasurer, the board of commissioners may take into consideration the amount of taxes to be collected by authority of this act, and the amount to be received by the treasurer under this act, and fix the said bonds at an amount that may safely protect the same.

SEC. 11. That this act shall be in full force and effect from and after its ratification.

Ratified this 2d day of March, 1911.

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### CHAPTER 433.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF RICH SQUARE TOWNSHIP, IN NORTHAMPTON COUNTY, AND TO LEVY A SPECIAL TAX AND ISSUE BONDS THEREFOR.

*The General Assembly of North Carolina do enact:*

Board of road commissioners.

SECTION 1. That for the purpose of constructing, repairing, improving and maintaining the public roads in Rich Square Township, Northampton County, there shall be a special board of three members, who shall be known as the "Board of Road Commissioners" for said township, which board shall have the entire supervision and jurisdiction of all the public roads of said township, and succeed to and exercise all the powers and duties heretofore exercised by and imposed upon the board of road commissioners and justices of the peace in reference to the establishment, alteration or discontinuance of all public and private roads, cartways and other thoroughfares. The members of said board shall hold their office for a term of six years and until their successors are elected and qualified, except as provided in section two.

Supervision and jurisdiction of roads.

Term of office.

Commissioners named.

SEC. 2. That A. J. Conner, R. H. Stanford and W. F. Outland are hereby appointed and constituted the Board of Road Commissioners for Rich Square Township, Northampton County. The first named shall hold the said position of commissioner until the first Monday in December, one thousand nine hundred and twelve, the next until the first Monday in December, one thousand nine hundred and fourteen, and the last until the first Monday in December, one thousand nine hundred and sixteen. At the regular election in one thousand nine hundred and twelve and regularly every two years thereafter, there shall be one commissioner elected by the voters of said township at the same time and in the same manner as county and township officers are elected. All vacancies caused by death, resignation or otherwise, shall be filled by the remaining members of said

Terms.

Election of successors.

Vacancies.

board: *Provided*, that should more than one vacancy occur or be at the same time, the same shall be filled by appointment by the clerk of the superior court of Northampton County. *Proviso: appointment by clerk of superior court.*

SEC. 3. That the members of said township board of road commissioners shall qualify before any officer authorized to administer oaths on or before the second Monday in December following their election, except those mentioned in section two of this act. *Commissioners elected to qualify.*

SEC. 4. That the members of said board named in section two of this act shall qualify on or before the second Monday in March, one thousand nine hundred and eleven, and they shall meet in Rich Square on or before the second Monday in March, one thousand nine hundred and eleven, and organize by electing one of their number as chairman and by electing a secretary, who may be one of the board, and a treasurer. The secretary shall, in a book suitable for the purpose, keep a full and perfect record of all the proceedings and actions of the board, which record shall be open to inspection of the citizens of the township at reasonable times. The compensation of the secretary shall not exceed two dollars (\$2) per day for every day on which said board shall meet. The compensation of the members of said board shall be three dollars (\$3) per day and mileage, at five cents per mile. Said board shall meet quarterly, on the second Monday in December, March, June and September, and oftener if necessary or important, upon a call of the chairman or of any member, if requested by a majority of the members; and said board is authorized to purchase literature on the subject of roads, not to cost more than twenty-five dollars (\$25). At all of their meetings, which shall be held in Rich Square, they shall be authorized to transact any business and duties with reference to the roads of the township or within their jurisdiction. *Commissioners appointed to qualify. Meeting for organization. Organization. Records. Record open to inspection. Compensation of secretary. Compensation of commissioners. Quarterly meetings. Called meetings. Purchase of road literature.*

SEC. 5. That the said board of road commissioners and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Commissioners of Rich Square Township," and shall adopt a common seal, and by that name may sue and be sued, make contracts, acquire real and personal property, by gift, purchase or devise; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations. *Incorporation. Corporate name. Corporate powers.*

SEC. 6. That it shall be the duty of the said board of road commissioners to take control and management of the roads of said Rich Square Township, and said commissioners are hereby vested with all the rights and powers for such control and management as are now vested in and exercised by the board of road or county commissioners of Northampton County, as pertaining to said township. *Duty of board. Rights and powers.*

SEC. 7. At or before their meeting in May of each year, said board of road commissioners shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams and supplies for the proper working and improving and establishing the public roads in said township, including interest on *Estimate for amount of tax.*

- the bonds hereinafter mentioned, for one year, and any part of the principal thereof, and to create a sinking fund for the payment of said bonds, and to pay all expenses thereof, and the expenses pertaining to the performance of their duties for one year, and shall fix and determine the rate of taxation on the property and polls of said township for the purpose of raising said amount, which rate shall not be less than ten (10) cents on the one hundred dollars (\$100) valuation of real and personal property nor more than twenty (20) cents on the one hundred dollars (\$100) thereof, and not less than thirty (30) cents nor more than sixty (60) cents on the poll for any year; and said board of road commissioners shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said county on or before their June meeting in each and every year, and it shall be the duty of said board of county commissioners, at their meeting in June (or at such time as may be fixed by law), to levy a special tax, as determined by said board of township road commissioners, but the rate shall be in the discretion of the said board of county commissioners. Said taxes shall be collected as other taxes are collected, and shall be kept separate by the tax collector and paid over to the treasurer of said township road board. Such taxes shall be levied upon and collected out of the property and polls, whether in incorporated towns or not.
- Limits of rate.
- Report to county commissioners.
- Tax levy.
- Collection.
- Treasurer of road fund.
- Bond.
- Limit of compensation.
- Road duty.
- Assignment of hands.
- Proviso: commutation.
- Proviso: time of payment.
- Road work in payment of poll tax.
- SEC. 8. That the said board of township commissioners, at its first meeting, shall appoint some person or corporation as treasurer of the Rich Square Township road fund. The person or corporation so designated may be required to give a bond, in such form and amount as shall be required by the said board, payable to said board for the faithful performance of his or its duties as treasurer and for the faithful holding and disbursing of the said funds in accordance with orders and directions of said board. The compensation for said services shall not exceed two per centum of disbursements of the said road funds.
- SEC. 9. That after January first, one thousand nine hundred and eleven, every able-bodied male person between the ages of twenty-one (21) and forty-five (45) years residing in said township shall be liable annually to perform three days labor upon the roads of said township, under the supervision and direction of the road supervisor, overseer or other officer appointed by the board of road commissioners, who may assign such person to any portion of the road in the township in which said person resides as said officers may think best: *Provided, however*, that any such person shall be discharged from such labor for one year upon the payment to the proper officer of the sum of one dollar (\$1) per annum in lieu thereof: *Provided, further*, that such sum shall be paid on or before the first day of March of said year.
- SEC. 10. All persons who shall be liable to pay poll tax, and who fail to pay the same, shall be liable and compellable to work four

days on the said roads, under the direction and control of the road supervisor or officer in his township.

SEC. 11. That the judges of the superior and criminal courts of this State are hereby authorized and empowered to sentence convicts in said county or in other counties to work upon the public roads in Rich Square Township; and all the justices of the peace and mayors of towns of said county are hereby authorized and empowered to sentence persons tried before them and found guilty of violating the criminal law within their jurisdiction, or of vagrancy, to sentence said persons so convicted to work upon the said public roads: *Provided*, that no person shall be required to work for a longer time than that for which he could have been imprisoned for the offense: *Provided, further*, that the said board of road commissioners and its authorized officers may shorten the time of labor in any individual case as much as one-fifth for good behavior and faithful performance of duty.

Convicts to be sentenced to road work.

Proviso: limit of sentence.

Proviso: allowance for good behavior.

SEC. 12. That the board of road commissioners shall be authorized to provide proper quarters for convicts and to employ suitable guards and overseers, and to provide means for their safe keeping and control, out of the road funds.

Care and control of convicts.

SEC. 13. That the taxes and other revenues raised under this act or under any law shall constitute a general road fund for the construction and improvement of the roads and bridges of said township and for the purchase and maintenance of tools, machinery, teams and other supplies or equipments for the better prosecution of the work, and for the payment of the interest on and the principal of the bonds herein provided for, and shall be expended according to the judgment and discretion of the said board of road commissioners, except that the interest on said bonds must be paid, and said board shall, as often as they deem necessary, issue warrants or orders upon the township treasurer directing him or it to pay to the supervisor or other officer of roads the amount therein specified for the purpose of carrying on the provisions of this act.

General road fund.

Appropriation.

Expenditures.

Orders on road funds.

SEC. 14. That said board of road commissioners, on the second Monday in December or on the second Monday in March of each year, may elect a township supervisor of roads, at a salary to be fixed by said board, and who may be required to give bond, payable to the township, in a sum to be fixed and approved by said board, for the faithful and honest performance of his duties, which bond shall be filed and recorded. It shall be the duty of said township supervisor, subject to the approval of said board, to supervise, direct and have charge of the maintenance of the roads of the township and of the teams, tools, machinery, etc., for their working. Any part of said work may be done by contract, if deemed best by said supervisor and approved by said board. Said supervisor shall see that all work on said roads is promptly, properly and economically done. He shall make quarterly reports, in writing, to said board,

Election of supervisor.

Salary and bond.

Duty of supervisor.

Work may be let to contract.

Reports and recommendations of supervisor.

giving the condition of all the principal roads of the township; suggesting and recommending methods and means of improvement and the probable cost thereof, besides embracing the matters required by section fourteen of this chapter, which written reports and recommendations shall be filed with the clerk of the board; and the board shall provide money for any work which they may regard necessary. Said supervisor shall hold his office until his successor is elected and qualified.

Term of office.

Authority of supervisor.

Itemized reports.

SEC. 15. The township supervisor shall have charge and management of the plans, labor, teams, tools, apparatus and machinery used on the roads under his charge, and shall render an itemized statement of the number of hands or persons, including convicts, worked on the roads, the number of hours or days worked, the amount paid each hand, and the amount of money received and how the same was disbursed, and a list of the tools, machinery, implements, dumps, carts, teams and other apparatus in his hands, and the condition thereof, and any other information in reference to his management that may be reasonably required. Said reports shall be made quarterly or oftener to said board. He shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the control and direction of said board.

Care of teams and apparatus.  
Control of board.

Powers of road commission.

SEC. 16. That said board of road commissioners shall have full power and discretion to adopt such methods and means and agencies for and in the management of improvement and working of said roads as they may determine to be wise and best, regardless of any seeming limitations or restrictions in this act; and they may also make such purchases of gravel pits, lands, timbers and machinery and teams as they may deem wise and important for the improvement of the roads; and they may have any of the roads or any parts of the roads widened, so as to make them or such parts thereof fifteen feet on either side from the center, thus making said roads thirty feet wide between ditches.

Annual reports.

SEC. 17. That the board of road commissioners shall make an annual statement of all their doings and proceedings, in the same manner and at the same time as is required by the board of county commissioners, which statement shall be recorded and preserved by the register of deeds in a suitable book, which shall be subject to the inspection of the public, and the register of deeds shall receive the same fees for such services as he receives in other like cases.

Record of reports.

Fees of register of deeds.

Payment of road orders.

SEC. 18. All orders or warrants of said board on the township treasurer, authenticated as is required for such orders of the board of county commissioners, shall be paid by said treasurer out of the road funds in his hands.

Entry on land for materials.

SEC. 19. That for the purpose of repairing and constructing and improving the public roads the supervisor or other officer employed by said board shall have authority to enter upon any land, near to or adjoining the roads, to cut and carry away timber, except trees

or groves left for ornament or shade; to dig or cause to be dug and carried away gravel, earth, sand or stone which may be necessary to repair or improve said road; to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing or resisting the performance of these duties, or willfully obstructing such ditches or drains, when made, shall be guilty of a misdemeanor; and any such supervisor, officer or employee maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

Drains or ditches.

Obstructing work or drains misdemeanor.

Needless damage to land misdemeanor.

SEC. 20. That any person willfully violating any of the provisions and requirements of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than fifty dollars (\$50) or imprisoned or sentenced to work upon the roads for not more than thirty (30) days.

Violation of act misdemeanor.

Punishment.

SEC. 21. That said board of road commissioners shall be and are hereby authorized and empowered to issue bonds of said Rich Square Township, to be styled "Rich Square Township Road Bonds," to an amount not to exceed thirty thousand dollars (\$30,000), of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board; said bonds to be signed by the chairman and secretary of said board, under the seal of said board or township, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty-five years from the date thereof, and at such place or places as said board may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Northampton County known as Rich Square Township, as constituted at the time of the ratification of this act.

Bond issue authorized.

Amount.

Denomination.

Interest.

Authentication.

Maturity.

Bonds not to be sold below par.

Issuance of bonds.

Liability for payment.

SEC. 22. That all funds derived from the sale of any bonds by said board of township road commissioners shall be paid over to the treasurer of said board of commissioners, and shall be used for the purpose of constructing and improving the public roads in said township, the purchase of such material, machinery and implements and the employment of such officers and labor as may be found necessary in the carrying out of this work.

Proceeds paid over to treasurer.

Specific appropriation.

SEC. 23. That hereafter all road taxes collected by the sheriff of Northampton County, or by township tax collectors, in and for Rich

Road taxes paid over to treasurer.

Square Township, and all money collected by said sheriff or any other person on account of said roads in Rich Square Township shall be paid over to the treasury designated by said board as collected. The said sheriff or other tax collector is hereby required to settle with said treasurer not later than the second Monday in April of each year.

Time of settle-  
ment.

Apportionment  
from tax of 1910.

SEC. 24. That at their meeting first Monday in March, one thousand nine hundred and eleven, or as soon thereafter as practicable, the board of road or county commissioners for Northampton County shall give an order for and authorize the payment of to the treasurer of Rich Square Township road commissioners an amount equal to seventy-five per cent of all the road taxes levied and collected in Rich Square Township of the levy of one thousand nine hundred and ten, including its share of the public service corporation tax, also deliver to said township road commissioners such proportion of the present road equipment of Northampton County, including tools, implements, road machines and teams as the said county board may deem just and equitable.

Apportionment of  
equipment.

SEC. 25. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, 1911.

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## CHAPTER 434.

### AN ACT TO PROVIDE FOR THE IMPROVEMENTS OF THE PUBLIC ROADS OF YANCEY COUNTY.

*The General Assembly of North Carolina do enact:*

Roads may be let  
to contract.

SECTION 1. That it shall be lawful for the board of county commissioners of Yancey County, at any meeting on the first Monday in any month, without petition or any application of the citizens of said county, in their discretion, to contract with any firm, person or corporation for the construction, changing or improvement of any public road or highway in said county upon such terms and conditions as may be agreed upon between said commission and such firm, person or corporation.

Assignment of  
road hands.

SEC. 2. For the purpose of carrying out the provisions of this act the said commissioners are hereby authorized and empowered to assign to the use of such person, firm or corporation any road hand or hands who are subject to road duty on the public roads of said county, and such hands so assigned shall be under the supervision and control of the said firm, person or corporation so contracting with said commissioners as above provided, and any hand or hands

Supervision and  
control.

so assigned shall be credited for such service rendered upon their road duty due said county.

SEC. 3. That said county commissioners shall have the power and they are hereby authorized to take from the general road fund of said county all necessary funds to pay for such right-of-way as may be required for the purpose of changing, altering or improving such roads, or may recourse to the general fund of said county in a sum not exceeding two hundred and fifty dollars in any one year, and may for the purposes of carrying out this act levy a tax upon the taxable property of said county in a sum not exceeding five cents on the hundred dollars valuation and for the purpose of paying for such rights-of-way for such public roads.

Payment for  
rights-of-way.

Tax.

SEC. 4. That the work of constructing such roads, altering or repairing the same under any contract made hereunder shall be under the direct supervision of the such person, firm or corporation as shall contract with said commissioners for such work: *Provided*, that the condemning and assessing of the right-of-way shall be in charge of and under the control of said county commissioners.

Supervision of  
work.

Proviso: con-  
demnation.

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

Repealing clause.

SEC. 6. That the provisions of this act shall only apply to Yancey County.

Application of  
act.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 2d day of March, 1911.

## CHAPTER 435.

### AN ACT TO AUTHORIZE BOONVILLE TOWNSHIP, YADKIN COUNTY TO ISSUE BONDS FOR PUBLIC ROAD IMPROVEMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. S. Speer, W. T. Fletcher, L. S. Shore, G. S. Williams and J. Luther Jones are hereby constituted a board of road supervisors for the public roads of Boonville Township, in Yadkin County. The first two shall hold the said position of road supervisors for the term of two years after the next general election in one thousand nine hundred and twelve and the last three until the next general election in one thousand nine hundred and fourteen. At the expiration of the terms of any of their successors shall be elected for a term of four years by a majority of the votes cast of the qualified voters of Boonville Township, Yadkin County. All vacancies caused by death, resignation or removal from the said township, shall be filled for the unexpired term by the remaining members of said board: *Provided*, the position of road supervisors

Road supervisors  
named.

Term of office.

Election of suc-  
cessors.

Vacancies.

Proviso: super-  
visors not officers.

shall not constitute an office within the meaning of article fourteen, section seven of the Constitution of North Carolina.

Incorporation.

SEC. 2. That the said board of road supervisors and their successors shall be and are hereby constituted a body corporate by the name and style of the Board of Road Supervisors of Boonville Township, and by that name may sue and be sued, make contracts, acquire real and personal property, by gift, purchase or devise, hold, exchange and sell the same and exercise such other rights and privileges as are incident to other municipal corporations.

Corporate name.

Corporate powers.

Control and management of roads.

SEC. 3. That it shall be the duty of the board of road supervisors to take control and management of the roads of said Boonville Township and said supervisors are hereby vested with all the rights and powers for such control and management.

Organization.

Treasurer to have charge of funds and give bond.

SEC. 4. The board of road supervisors shall annually elect from their number a chairman, a secretary and a treasurer. The treasurer shall have charge of all the road funds of said township and shall be required to give bond in sufficient amount to cover funds coming into his hands. The said board of road supervisors shall meet at stated intervals as decided on by said board and shall order and issue vouchers for payment of general expenses connected with the workings and construction of roads, and for the purchase of machinery and implements which said voucher shall be signed by the chairman and secretary of said board and a record thereof kept by said secretary.

Meetings.

Vouchers.

Superintendent of roads.

SEC. 5. The said board of road supervisors shall annually elect a superintendent of roads for Boonville Township, who shall be paid such compensation out of the road funds of said township as may be fixed by said board, and who shall hold office for one year, or until his successor shall be elected and qualified: *Provided*, that said superintendent may at any time be removed by said board after having been given ten days notice, and the hearing when in the opinion of the board there exists good and sufficient cause of his removal. It shall be the duty of the said superintendent, subject to the approval of the said board of supervisors to direct and have charge of the construction and maintenance of all public roads in Boonville Township and shall submit to the said board a monthly report concerning the work in progress and the moneys expended and such other reports as may be required of him by said board, as a guarantee of the faithful and honest discharge of the duties of this office. The said board may require of said superintendent such bond as may be deemed advisable,

Compensation and time.

Proviso: removal of superintendent.

Duty of superintendent.

Monthly reports.

Bond.

Machines and implements.

Engineer.

SEC. 6. The said board may purchase such machines and implements as may be needed for the proper working and construction of the roads, may employ a competent engineer or surveyor, and may exercise such power and privileges as may be needed for the carrying out of the purposes and provisions of this act: *Provided*, that no person in said township shall be subject to road duty.

Proviso: road duty abolished.

SEC. 7. That the superintendent of roads of Boonville Township is hereby authorized to enter upon any uncultivated land near to or adjoining any public road of said township, to cut and carry away timber (except trees, groves on improved land planted or left for a shade or ornament), to dig or cause to be dug and carry away any gravel, sand, clay or stone, which may be necessary to construct macadam, sand, clay or any other kind of road in the judgment of said board of supervisors, best to improve or repair such roads and enter upon any land adjoining or lying near such roads in order to make such drains or ditches through the same, as said superintendent may deem necessary for the betterment of said road and the drain and ditches so made shall not be obstructed by the occupant of said land or any other person and any person obstructing such drains or ditches or shall interfere in the construction and repairing of said roads shall be guilty of a misdemeanor, and fined for each offense not exceeding fifty dollars or imprisonment for more than thirty days. If the owner of any land from which timber, stone, clay, gravel, or any other necessary substitution or material were taken as aforesaid, shall present an account for the same to said superintendent to said board of road supervisors within thirty days after the taking thereof, it shall be the duty of said board to pay for the same at a fair price, and in case of any disagreement as to the value, the said superintendent of roads shall appoint one freeholder, the person claiming the damage a second and these two a third, which said freeholders shall assess such damage and report same in writing to the board of road supervisors, and from whose decision aggrieved party may appeal to the superior court of Yadkin County.

Entry on land for material.

Drains or ditches.

Obstruction of drains or ditches or interference with construction a misdemeanor.

Punishment.

Accounts and payment for materials.

Arbitration of price.

Appeals.

SEC. 8. That the said superintendent of roads with the approval of the said board of road supervisors, is hereby given discretionary power to locate, relocate or change any part of any public road in said township, when in his judgment the same will prove advantageous to public travel, that when any person on whose land the new road or part of the road is to be located, claim damages therefor and within thirty days petition said board of road supervisors for a jury to assess the damages, the said board shall within not less than fifteen or more than sixty days after completion of said road, order a jury of three disinterested freeholders of Boonville Township to be selected and summoned by the sheriff of Yadkin County, who shall give all parties interested forty-eight hours notice of the time and place the jury will meet to assess the damage, if any, and said jury in considering the question of damages shall also take into consideration the benefits to the owner of the land and if such benefits be considered equal to or greater than the damages sustained, the jury shall so declare and it shall report its findings in writing to said supervisors for revision and confirmation: *Provided*, that such owner may appeal to the superior court of Yadkin County from the decision of said supervisor.

Location and change of roads.

Claims for damages.

Procedure for assessment of damages.

Proviso: right of appeal.

Power to issue bonds.	<p>SEC. 9. That the said board of road supervisors shall be and are hereby authorized and empowered to issue bonds for said Boonville Township to be styled Boonville Township Road Bonds to an amount not to exceed twenty-five thousand dollars of such denomination and of such proportion as said board may deem advisable, bearing interest from date of issue thereof, at a rate not exceeding five per cent per annum with interest coupons attached, payable annually or semi-annually as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board, said bonds to be signed by the chairman and secretary of said board and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board may determine. None of said bonds shall be disposed of at a less price than their par value and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Yadkin County, as Boonville Township, as constituted at the time of the ratification of this act.</p>
Amount.	
Denominations.	
Interest.	
Authentication.	
Maturity.	
Bonds not to be sold below par.	
Issue of bonds.	
Liability for payment.	
Special tax.	
Tax rate.	
Election on act.	<p>SEC. 11. That the provisions of all the preceding sections of this act, except section one, shall be submitted to the vote of the qualified voters of said Boonville Township at an election to be held on a day to be designated by the board of road supervisors of Boonville Township. For the holding of said election the county commissioners of Yadkin County shall appoint a registrar and two poll holders and any other officers necessary to said election in said township, and shall order a new registration; and at the close of said election, said registrar and poll holders shall count and canvass the votes cast and declare the results thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said board of commissioners and no other canvass, report or recording shall be necessary. At said election all voters who shall favor the issue of bonds, the levying of special tax, and the other provisions of this act, shall cast</p>
Designation of date.	
Election officers.	
New registration.	
Count and canvass of vote. Report and record.	

ballots on which is printed or written "For good roads," those op- Ballots.  
 posed to such shall cast ballots on which shall be printed or writ-  
 ten "Against good roads"; in all other respects said election shall be Law governing  
 held, and conducted in the manner prescribed for the election of election.  
 members of the General Assembly. If the majority of the qualified Effect of election.  
 voters of said township shall vote "For good roads" then said bonds  
 shall be issued and tax levied and the other powers and duties exer-  
 cised as provided for in this act: *Provided*, that if a majority of Proviso; further  
 said qualified voters shall fail to vote "For good roads," said board elections.  
 of county commissioners shall order another election or elections  
 to be held in the manner and in the same way as above provided,  
 at any time within two years of the date of the first election, when  
 requested to do by the said board of road supervisors.

SEC. 12. That all funds derived from the sale of any bonds by Funds paid over  
 said board of road supervisors shall be paid over to the treasurer to treasurer.  
 of said board and shall be used for the purpose of construction and Specific appropri-  
 improving the public roads of said township, the purchase of such ation.  
 material, machinery and implements and the employment of such  
 officers and labor as may be found necessary in the carrying out  
 of the work.

SEC. 13. That the board of county commissioners of Yadkin Taxes applied to  
 County are hereby directed and required to cause to be applied upon road fund.  
 the public roads of Boonville Township, and to have turned over  
 to the treasurer of the board of supervisors for the above purpose,  
 all moneys which may be collected by reason of any levy hereafter  
 made for road purposes against the taxable property and polls of  
 said township to the payment of interest of said bonds and to the  
 improvement of the public roads in said township.

SEC. 14. That the said board of road supervisors are hereby em- Roads may be let  
 powered, if in their opinion it is advisable, to let contracts to to contract.  
 the lowest and most competent bidder or bidders, of the road or any  
 section thereof to be macadamized, sanded, clayed, graveled or im-  
 proved under the provisions of this act; the said road supervisors  
 reserving the right to receive or reject any bids.

SEC. 15. The said board of road supervisors if in case any of said Contractors to  
 roads or sections thereof are let to contract, may require of any give bonds.  
 contractor or contractors to file a good and solvent bond, the same  
 to be approved by said board of road supervisors for the faithful  
 performance of their contract or contracts.

SEC. 16. The said road supervisors shall reserve as compensation Pay of super-  
 for their service, one dollar per diem each for the time they actually visors.  
 spend in performing their several duties. Secretary of said board Salary of secretary.  
 shall receive a salary for his service, any amount agreed upon by  
 said board. The treasurer shall receive such commission and com- Compensation of  
 pensation as is fixed by law of the county treasurer, the same to be treasurer.  
 paid out of said funds.

Security for bonds  
and coupons.

SEC. 17. The said bonds and coupons shall express upon their face that they are payable out of the taxable property and polls of said Boonville Township, only observing the constitutional equation, and it shall be lawful for and the duty of the board of county commissioners of Yadkin County to levy annually on the taxable property and polls of said township a sufficient tax to pay the interest of said bonds as it shall accrue and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due; said sinking fund shall be loaned at the best rate of interest possible to secure.

Tax for interest  
and sinking fund.

Investment of sink-  
ing fund.

SEC. 18. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 19. This act shall be in force from and after its ratification. Ratified this the 2d day of March, 1911.

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#### CHAPTER 436.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. Strike out in section one, line four the word "March" and insert in lieu thereof the word "May." Strike out in same line the word "November" and insert the word "September."

Appliction of act.

SEC. 2. That this act shall apply only to fishing in the French Broad River in Transylvania County.

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

Ratified this the 1st day of March, 1911.

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#### CHAPTER 437.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PERSON COUNTY TO ISSUE BONDS FOR THE PURPOSE OF MACADAMIZING AND SAND CLAYING THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Election on road  
bond issue.

SECTION 1. That for the purpose of macadamizing, sand claying and otherwise improving the public roads of Person County the board of commissioners of said county are hereby authorized, empowered and directed to submit to the qualified voters of Person County, on such day as may be fixed by them, after thirty days notice, the question of issuing one hundred thousand dollars in bonds.

Amount.

SEC. 2. That the said election shall be advertised for thirty days immediately preceding the day of election in some newspaper or newspapers published in Person County, and the election shall be held under the rules and regulations provided for election of State and county officers.

Advertisement for election.

Law governing election.

SEC. 3. Those who are in favor of issuing bonds 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.

Tickets.

SEC. 4. If a majority of qualified voters of said county shall vote "For bonds" the result shall be declared and entered on record by the said board of county commissioners. Then the board of commissioners for said county shall issue, as needed for the purposes herein expressed, bonds not exceeding in total amount one hundred thousand dollars, in denominations of not less than five hundred dollars and not more than one thousand dollars, bearing interest from the date of their issue at a rate of five per cent per annum, payable semi-annually, at such a place as said commissioners shall name, on the first day of January and July of each year.

Effect of election.

Bond issue authorized.

Amount.

Denominations.

Interest.

SEC. 5. That said bonds shall be made payable forty years after the date thereof, and shall bear on their face the purpose for which and the authority by which they were issued. The bonds and coupons shall be numbered consecutively, and shall be signed by the chairman of the board of commissioners, and countersigned by the register of deeds of the county, and bear the corporate seal of the said county of Person.

Maturity.

Authentication.

SEC. 6. In order to pay the interest on said bonds, the board of commissioners shall annually compute and levy, at the time of levying other taxes, a sufficient special tax upon all polls and real and personal property subject to taxation for State and county purposes, observing constitutional equation between the tax on property and the tax on polls.

Special tax for interest.

Constitutional equation.

SEC. 7. That upon the issuance of such bonds, the board of county commissioners of said county shall elect three electors, residents of said county, selected from different sections of the county, to be known as the highway commission of Person County, said members to be elected as aforesaid every two years: *Provided*, that said board of commissioners shall have power to fill all vacancies by death, resignation or otherwise for an unexpired term.

Election of highway commission.

Proviso: vacancies.

SEC. 8. That as soon as practicable after the election of said members of the highway commission, they shall meet and organize by electing one of their members chairman of said commission, and another of their members clerk, and another or some suitable person treasurer thereof, and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the highway commissioners shall take an oath before some person authorized

Organization of highway commission.

Proviso: commissioners to qualify.

to administer oaths to perform the duties of said office to the best of their skill and ability.

Bonds not to be sold below par.

SEC. 9. That none of the bonds authorized by this act shall be disposed of by sale, exchange or otherwise for less price than their face value, nor shall said bonds or other 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 board of commissioners of Person County shall record all their proceedings in respect to said bonds in the minutes of their meetings, and when any of the same are sold, the number of bonds, their denomination, to whom sold, and the number of coupons attached, must be recorded in said minutes.

Specific appropriation.  
Description of bonds.

Record of bonds.

Records turned over to treasurer.

Separate fund and accounts.

Bond of treasurer.

SEC. 10. When any of said bonds are sold the proceeds of said sale shall be turned over to the treasurer of the highway commission, 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 same and said treasurer before any fund provided for in this act shall be paid over to him, shall execute an official bond payable to the county of Person in the usual manner, equal to the greatest amount which may at any time come into his hands by reason of this act, conditioned for his faithful safe keeping of the same and rendering a due account in respect thereto, and in all things holding, dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said board of county commissioners and all orders directed to said treasurer for the payment of money under this act, shall state on their face that they are highway orders, and to what account they are chargeable, and shall be signed by the chairman and clerk of said highway commission.

Highway orders.

Appropriation of funds.

Control of convicts.

Powers of highway commissioners.

SEC. 11. That the said highway commission shall use the funds derived from the sale of the said bonds for the purpose of constructing and improving the public highways in said county, and for said purposes, they shall have entire charge and control of the chain gang and all prisoners convicted of crime and sentenced by the court or courts to terms of penal servitude on said public highways. They may purchase tools, machinery, implements and stock and all other things whatsoever deemed by them necessary for the purpose of working the convicts or hired free labor on public highways in said county. It shall be the duty of the board of county commissioners whenever called upon by said highway commission to turn over to said highway commission all convicts, tools, machinery, appliances and stock which may be in their hands with which they may have been preparing material for working the public roads of the county.

SEC. 12. That the highways in said county, constructed or improved under this act shall not be less than sixteen nor more than thirty feet wide, at least nine feet of which shall be macadamized or sand clayed as soon as is expedient, and the whole of which shall be made as straight as is practicable and graded.

Width and grade of highways.

SEC. 13. That as soon as the highway commission shall deem necessary, they and the members of the board of commissioners of Person County shall elect by ballot a highway superintendent for said Person County, and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said highway commission. Said person so elected shall take and subscribe to an oath for the faithful performance of his duty as highway superintendent and shall execute an official bond in the sum of two thousand five hundred dollars for the faithful execution of his duties and for accounting for all money and property which may come into his hands as said officer, said bond shall be approved by said highway commission. Said highway superintendent shall hold his office for two years, and until his successor is elected and qualified, except that the said highway commissioners may for any good cause, remove said highway superintendent from his office and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work when and where directed by said highway commission. Said highway superintendent shall direct the laying out of the highways with the aid of an engineer experienced in such work. Said highway superintendent shall have control over and direct the workings of the convicts in Person County, and shall also have control over and direct all other labor as may be deemed by the highway commission proper to be employed on said roads, and to be paid for out of funds herein provided. It shall be his duty to employ the overseers of the chaingang or the convict forces and such other forces as it may be deemed by the highway commission expedient to employ, and the necessary servants and guards for the working and caring for the convicts worked under and by authority of law. He shall prescribe the duties of the overseers, and may discharge them at any time for cause; all of which duties of said highway superintendent shall be subject to the approval of the highway commission.

Highway superintendent.

Compensation.

Record of election.

Superintendent to qualify.

Bond of superintendent.

Term of office.

Removal for cause.

Powers and duties.

SEC. 14. That said highway commission shall require the treasurer of said commission to account to them twice annually for the said highway fund, and may require as often as deemed best, reports from officers and employees concerning their progress and their duties, and to what extent and in what manner they have performed the same.

Semi-annual statements.

Reports.

SEC. 15. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission through their agents, are hereby authorized to enter upon any land

Entry on lands for roads.

Procedure for assessment of damages.

and locate and build such highways, and if the highway commission and owner or owners of said lands can not agree as to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned five freeholders who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided, further*, that before entering upon land as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highway would be located upon such land under the authority of this act.

Proviso: notice to landowners.

Present road law continued in force.

SEC. 16. That the passage of this act shall not repeal the road law now in force, applicable to the general working of public roads in said county, except that the supervisor working and keeping in repair the highways constructed or improved under the provisions of this act shall at all times be under the direction of the said highway superintendent.

Employment of physician.

SEC. 17. That said highway commission shall have authority to employ a physician at any time to assist the county physician to attend to the convicts working the public highways, and shall also have power to provide for the care and safe keeping of said convicts, and to provide all things necessary to carry into effect the provisions of this act.

Care and safe keeping of convicts.

Pay of highway commission.

SEC. 18. That said highway commission shall be entitled to the same per diem and mileage as the board of commissioners of Person County.

Responsibility of superintendent.

SEC. 19. That said highway superintendent provided for in this act shall have the care and charge of all tools and appliances, shall make an inventory of the same, and furnish said inventory to the highway commission, and shall look after the safety of all such tools, machinery and appliances, and the said superintendent shall be responsible for the loss of the same resulting from carelessness or neglect.

Audit of accounts.

SEC. 20. That the board of commissioners of Person County shall audit the accounts of the sheriff for all taxes levied and collected under this act and make settlement of the same between said sheriff and county treasurer, and said board of county commissioners may institute and prosecute any necessary action for the recovery of any such road taxes in any case any officer fails to account for same.

Fraudulent orders a misdemeanor.

SEC. 21. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court, or both, and shall be removed from office and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act, shall be guilty of a misdemeanor and

Punishment.

Failure of duty a misdemeanor.

fined not less than twenty dollars or more than one hundred dollars: *Provided, further,* the board of county commissioners may, for good and sufficient cause, remove any one or more of the highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Punishment.  
 Proviso: power to remove highway commissioners.

SEC. 22. That all expenses incurred by the highway commission on account of meetings held by reason of duties imposed by this act, shall be paid upon their order out of the funds provided for by this act.

Expenses of meetings.

SEC. 23. That the highway commission of Person County in addition to the powers above given are hereby empowered to purchase in the name of the board of county commissioners of Person County to be approved by said board, such gravel pits, quarries of stone or other material as shall be adjacent to or near the public highways of said county and which in their judgment shall be necessary for use in the building, repairing or constructing said highways.

Purchase of material.

SEC. 24. That said highway commission shall also have the right to purchase in the name of the board of county commissioners the right-of-way to and from said quarries, gravel pits and other material, necessary to haul or carry said stone, gravel or material to said highways.

Purchase of rights-of-way and material.

SEC. 25. That the said highway commission shall also have the right to rent or purchase in the name of the board of commissioners of Person County adjacent land necessary as a site for the crusher plant or camp for the convict road force used and employed by said highway commission upon the public highways of Person County.

Sites for plant and camps.

SEC. 26. That whenever the said highway commission can not agree with the owner for the purchase of any gravel pit, stone quarry or other material necessary to build or repair said highways, or for lands for the location of the crusher plant or convict camp, it shall have the right at any time to enter upon adjacent lands and quarry, blast, cut, dig and take therefrom any stone, sand, soil, gravel or other material which shall be deemed necessary for building or repairing said highways and shall have the right to enter upon any lands adjoining or lying near to said road in order to make such drains or ditches through the same as they may deem necessary for the betterment of the roads, doing as little injury to said lands or timber or improvement thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, drain, or water course or waste ground and shall be kept open by said highway superintendent and shall not be obstructed by the owner or occupant of such lands or any other person or persons under penalty of forfeiting not less than five dollars or more than ten dollars or imprisonment or work on public roads not less than ten or more than twenty days for each offense, and if the owner or owners and

Entry on lands for material.

Drains and ditches.

Penalty for obstructing drains or ditches.

Procedure for  
assessment of  
damages.

said highway commission can not agree as to the value of the damages done to the owner by reason of the taking of said gravel, soil, stone, or other material, then the board of commissioners of Person County upon application of said highway commission, shall direct the sheriff of Person County to summon freeholders who shall assess the damages in the same way that benefits and damages are assessed by freeholders when now roads are caused to be opened across the lands of the owners as set out in the road law for Person County.

Semi-annual  
settlements.

SEC. 27. That the said highway commission shall on the first Mondays in June and December of every year, settle with the county commissioners, acting for the people of Person County, all the matters and things they have had charge of, and shall disclose in detail by an itemized statement all money received and disbursed and all money on hand, and a full account of all work done by them up to the time of each settlement and such settlement when made shall be reduced to writing and published by the county commissioners at the court-house door and in one edition of a newspaper published in Person County.

Itemized state-  
ment.

Publication.

Duties of rail-  
way companies.

SEC. 28. Railways and other corporations shall erect and maintain in a substantial manner all bridges which may be necessary in crossing their tracks, and they shall not obstruct the drainage of any portion of the road or empty into the road the water from their ditches. Any railway company or other corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court.

Misdemeanor.

Punishment.

Determination of  
permanent  
roads.

SEC. 29. The highway commission in determining upon the road to be permanently improved under the provisions of this act shall take into consideration the needs of the entire county and every part thereof, and shall open and permanently improve those roads which in their opinion will be a benefit to the greatest possible number of people of the county treating every section of the county with equal justice.

SEC. 30. This act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 438.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND THIRTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE COLLECTING OF TAXES IN RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Commission of  
sheriff.

SECTION 1. That chapter six hundred and thirteen, Public Laws of one thousand nine hundred and nine be and the same is hereby

amended by adding the words "and three-fourths" after the word "three" and before the word "per" in line four of section one of said chapter.

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

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 439.

#### AN ACT TO AMEND THE ROAD LAW OF CERTAIN TOWNSHIPS IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred and forty-three, Public Laws one thousand nine hundred and nine be amended as follows: Strike out in lines two and three of said section the names J. R. Patterson, J. R. Boyd and J. H. Bobbitt and insert in lieu thereof the following: A. L. Pope, B. E. King and Jack Johnston. Substitution of  
commissioners.

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 this the 3d day of February, 1911.

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#### CHAPTER 440.

#### AN ACT SUPPLEMENTAL TO AN ACT RATIFIED ON THE EIGHTEENTH (18TH) DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND ELEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act passed at the present session of the General Assembly of North Carolina, entitled "An act to appoint a board of trustees for the public roads of Greenville Township in Pitt County," ratified on the eighteenth (18th) day of February, one thousand nine hundred and eleven, be and the same is hereby amended by inserting the word "not" between the words "shall" and "order" in line eleven of section eleven of said act. Law amended.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 441.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO CONSTRUCT A BRIDGE ACROSS THE TUCKASEEGEE RIVER IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Levy of tax authorized.

SECTION 1. That the board of commissioners of Jackson County may, and, if in their judgment they shall so determine, are hereby authorized to levy a tax sufficient to construct a bridge across the Tuckasegee River at or near the Thomas ford in Qualla Township in said county, that said tax shall not in any one year exceed the sum of fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll, always observing the constitutional equation between property and poll.

Limit of rate.

Constitutional equation.

Site.

SEC. 2. That the board of commissioners of said county shall select the site for said bridge.

Levy and collection of tax.

SEC. 3. That all taxes levied under this act shall be levied and collected in the same manner and under the same pains and penalties as is provided for the collection of general State and county taxes in said county.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 442.

## AN ACT TO PROVIDE A BOARD OF AUDIT AND FINANCE FOR THE COUNTY OF COLUMBUS AND TO FIX THE DUTIES OF THE SAME.

*The General Assembly of North Carolina do enact:*

Board created.

SECTION 1. That in order to perform the duties heretofore performed by the finance committee of Columbus County, under the general law, and certain other duties as fixed in this act, there is hereby created a board to be known as the "Board of Audit and Finance of Columbus County." Said board shall consist of three members, who shall be appointed by the General Assembly of North Carolina at its present session and biennially thereafter. The term of office of the members of said board shall be for two years and until their successors are elected and qualified. One of the members of said board shall be chairman and another shall be secretary. If for any cause there shall be a vacancy in said board the resident judge of the superior court for the seventh judicial district of North Carolina shall appoint some fit and suitable person to fill

Number and appointment.

Term.

Organization.

Appointment to fill vacancies.

such vacancy, and the person so elected shall hold until his successor shall be selected and qualified as herein provided for. The members of the said board shall be discreet and intelligent taxpayers of Columbus County, well qualified to discharge the duties imposed upon him by this act. Qualifications of members.

SEC. 2. The members of said board shall take the following oath: Members to be sworn.  
 "I do swear (or affirm) that I will diligently and impartially inquire into all matters relating to receipts and disbursements of public funds of the county, and make a true report thereof, and that I will well and faithfully execute the duties of my office as a member of the board of audit and finance of the county of Columbus to the best of my knowledge and ability, without fear, reward, favor or the hope of reward; so help me God." Form of oath.

SEC. 3. It shall be the duty of said board of audit and finance to inquire into and investigate and file an account of the condition of all county finances, the accounts of all public officers of Columbus County, including the board of education and the board of road supervisors, or their successors, and to make a true report thereof, and record the same in a book to be provided and kept by the said board, to be known and designated as the record of the board of audit and finance of Columbus County; and the said board shall, at least once a year, and oftener if necessary, publish a statement of the financial condition of the county, showing by statement the permanent and floating debt of the county, when contracted, what for and when due; and shall also publish a statement of the receipts and disbursements of all the public funds of the county of Columbus, showing the total amount received and the total amount disbursed for each particular purpose, upon the warrant of the chairman of the board of commissioners of said county. Duties of board.  
Reports and records.  
Publication of annual statements.

SEC. 4. It shall be the duty of said board of audit and finance to inquire into and investigate the conditions in office of all public officers of the county of Columbus, and to report to the board of commissioners of said county and to the solicitor of the district any misappropriation of public funds, violations of law or malfeasance in office by any public officer. The said board of audit and finance shall also perform all the duties heretofore performed by the finance committee of the county under the general law. Examination of offices.  
Reports.  
Duties as finance committee.

SEC. 5. The said board of audit and finance shall have the power to send for persons and papers and to administer oaths; and any person failing to obey any summons or to produce promptly any papers or books relating to or supposed to relate to any matters appertaining to the duties of said board, or who shall refuse to appear and give evidence of all such matters and things as he shall know of and concerning any matters the investigation whereof is herein made the duty of said board, shall be guilty of a misdemeanor, and upon conviction in the superior court, shall be fined or imprisoned, at the discretion of the court, and shall also be liable Powers of board.  
Acts constituting misdemeanor.  
Punishment.

- Penalty to use of school fund. to a penalty of two hundred dollars for each failure or neglect, to be recovered by suit in any court of competent jurisdiction, in the name of the said board of audit and finance, for the benefit of the public school fund of the county of Columbus.
- Notice to officers of failure to account. SEC. 6. If any clerk of the superior court, sheriff, county treasurer, register of deeds, road commissioner or trustee, or any other public officer who may hold any county money, shall fail to account for the same, as provided by law, the board of audit and finance shall give such person ten days previous notice, in writing, of the time and place at which said board will attend to make a settlement, and every officer receiving notice and failing to make settlement as required by this act shall forfeit the sum of five hundred dollars, to be sued for by said board, for the use and at the expense of the public school fund of the county of Columbus, and shall also be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court: *Provided, however,* that the court may, in its discretion and for good cause, release any such officer from said forfeiture.
- Forfeit for failure to make settlement. SEC. 7. The board of audit and finance shall have power, if it deem necessary, to employ expert accountants and counsel to prosecute any public officer or to advise it upon matters of law: *Provided,* the total amount of attorney's fees shall not exceed the sum of one hundred dollars for any one year.
- Misdemeanor. Punishment. Proviso: release of forfeiture. SEC. 8. The board of audit and finance shall have the right from time to time to prescribe the manner of keeping all the public accounts of the county, and have the power to prescribe for each of the public officers of the county the form of books to be kept by them in the receipts and disbursement of all funds which may come into their hands under color of their office. It shall be the duty of the board of commissioners of Columbus County, upon the request of said board of audit and finance, to furnish to the various public officers of Columbus County the necessary books prescribed by said board of audit and finance.
- Accountants and counsel. Proviso: limit of attorney's fees. SEC. 9. It shall be the duty of the chairman of the board of audit and finance of Columbus County to exercise a general supervision over the tax books of the county of Columbus, with a view to preventing the double listing of property and similar errors; and in connection with the board of commissioners of said county it shall be his duty to go over said tax lists and correct any errors, omissions or mistakes which may appear therein.
- Manner of keeping accounts. Form of books. County commissioners to furnish books. SEC. 10. It shall be the duty of the chairman of said board of audit and finance to act as accountant for the county in making the settlements with the sheriff and treasurer of the county; to supervise, scrutinize and examine at least once in every three calendar months all books, accounts, receipts and vouchers and all other public records of the county, to the end that it may be seen whether the various public offices are being kept in the condition provided
- Supervision and correction of tax lists.
- Settlements with sheriff and treasurer.
- Examination of accounts.

by law; and if it shall appear to said chairman that any provision of law is being violated, then it shall be his duty to call a full meeting of said board of audit and finance and lay such violation before said board, that action may be taken to correct same, as provided by law.

Reports to full board.

SEC. 11. It shall be the duty of said board of audit and finance to audit and approve for final settlement the accounts of all public officers of the county of Columbus, and to cancel all vouchers included in said settlement by a proper cancellation stamp, to be officially adopted by said board of audit and finance.

Audit of final accounts.

Cancellation of vouchers.

SEC. 12. The members of the board of audit and finance, except the chairman, shall receive as compensation for their services the sum of three dollars per day for each day they shall be engaged in the discharge of their duties, and five cents per mile for each mile traveled in going to or from the place of meeting: *Provided*, that no compensation shall be allowed the members of said board, other than the chairman, for more than ten days in any one year.

Pay of members other than chairman.

Proviso: limit.

SEC. 13. The chairman of said board of audit and finance shall be paid for his services the sum of four dollars per day and mileage while actually engaged in his duties.

Pay of chairman.

SEC. 14. The compensation of said board and the expense and disbursements thereof, as herein provided, shall be paid out of the public funds of the county of Columbus upon order of the chairman of the board of commissioners of said county, and the treasurer of said county is hereby authorized and directed to pay the same upon presentation to him, and charge the amount thereof against the public funds of the county of Columbus.

Payments to board.

SEC. 15. That the board of audit and finance of Columbus County appointed as now provided by law shall forthwith, upon the qualification of the board of audit and finance provided for by this act, turn over to said board of audit and finance appointed hereunder all official books, records, papers or other documents under their control by virtue of their office, and all other property or effects now in their possession or under their control by virtue of the office heretofore held by them.

Present board to turn over property.

SEC. 16. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, in so far as they may apply to the county of Columbus.

Repealing clause.

SEC. 17. That C. C. Pridgen, J. E. Dick and K. C. Council, and they are hereby elected and appointed members of the board of audit and finance of Columbus County, and C. C. Pridgen shall be chairman of said board and K. C. Council shall be secretary thereof; and the members of said board and the officers thereof shall hold office for a term of two years and until their successors shall be elected and qualified, as provided for in this act.

Board named.

Chairman and secretary.

Term of office.

SEC. 18. This act shall be in force from and after its ratification. Ratified this the 1st day of March, 1911.

## CHAPTER 443.

AN ACT TO PROHIBIT THE THROWING OF SAWDUST INTO  
THE CREEKS AND RIVERS OF SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

Acts  
prohibited.

SECTION 1. That it shall be unlawful for any owner, lessee, firm or corporation, or any other person having charge of any sawmill in Surry County to throw the dust of said mill, or permit the same to go into the creeks and rivers of Surry County, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court: *Provided*, the same shall not apply to the owner of mills run by water power.

Misdemeanor.

Punishment.

Proviso: water  
mills.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 444.

AN ACT TO EMPOWER THE COMMISSIONERS OF THE COUNTIES  
OF GASTON AND MECKLENBURG TO PROVIDE FOR  
THE CONSTRUCTION OF A BRIDGE OVER THE CATAWBA  
RIVER, BETWEEN SLOAN'S FERRY AND THE BRIDGE AT  
ROZZELL'S FERRY.

*The General Assembly of North Carolina do enact:*

Expenditure of  
funds for bridge  
authorized.

SECTION 1. That the boards of commissioners of the counties of Gaston and Mecklenburg are authorized and empowered to expend out of the funds of their respective counties such sum as, in their judgment, may be proper, for the construction of a bridge across the Catawba River at some point between Sloan's Ferry and the bridge over said stream, which has been erected at Rozzell's ferry. The said boards may determine the amount to be contributed by each county, to the securing of this bridge, and in order to lessen the cost to the counties may co-operate with any electric railway company or other railroad company in the construction of said bridge, upon such agreement between the said boards and the railway company as to the amounts to be contributed by the railway company and the two counties, and as to the rules and regulations to govern the use of the bridge by the public and by the railway company, and as to the keeping of it in repair and its general supervision, as may seem expedient to the said boards of commissioners.

Location.

Apportionment of  
cost.

Co-operation with  
railway  
companies.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 445.

AN ACT TO PROMOTE AND ENCOURAGE THE RAISING OF  
QUAIL AND OTHER GAME BIRDS IN ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any owner of or person having control of any dog to permit the same to run at large between the first day of May and the first day of September in each and every year. Dogs not to run at large.

SEC. 2. That it shall be unlawful for any person or persons to hunt or kill any rabbit or rabbits between the first day of May and the first day of September in each and every year. Close season for rabbits.

SEC. 3. That any person or persons violating the provisions of section one or section two shall be guilty of a misdemeanor, and fined not exceeding ten dollars or imprisoned not exceeding five days. Misdemeanor. Punishment.

SEC. 4. That it shall be the duty of the sheriff, deputy sheriffs, constables, and justices of the peace to enforce this law by having all dogs described in section one of this act impounded, and after keeping the same for five days, unless redeemed by the owner or person having control of the same by paying the fine and cost imposed by the court, such officer impounding the dog or dogs shall kill the same. Dogs to be impounded. Dogs killed if not redeemed.

SEC. 5. That any such sheriff, deputy sheriff, constable or justice of the peace, who after his attention has been called to any such dog or dogs running at large, shall fail to have the said dog impounded and a warrant issued for the owner of said dogs or dog, or for the person in whose control said dog or dogs may be, shall be guilty of a misdemeanor and fined not exceeding twenty-five dollars. Failure of officer to impound dogs a misdemeanor. Punishment.

SEC. 6. That this act shall apply to Rowan County. Application of act.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 446.

## AN ACT TO AMEND SECTION THREE THOUSAND AND SEVENTY-THREE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE OF NORTH CAROLINA, RELATING TO THE DUTIES OF STANDARD KEEPER IN NASH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand and seventy-three of The Revisal of one thousand nine hundred and five of North Carolina be amended by adding to the end of said section the following: "In

Affidavit for re-test of weights and measures.

Nash County whenever any person has had his weights and his measures tried by the standard and sealed or stamped as aforesaid, he shall not be required to have them tried by the standard keeper again unless some responsible person in the county of Nash shall make oath and file the same with the standard keeper of said county, that he has reason to believe that said weights or measures are not properly adjusted. That notice shall be given the owner of said weights or measures that complaint has been made under oath as aforesaid, and then the owner of said weights and measures shall have his weights and measures tried as herein provided, and for failure shall then be subject to the penalties mentioned in section three thousand and sixty-seven.

Notice to owner.

Penalty.

SEC. 2. 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 this the 1st day of March, 1911.

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#### CHAPTER 447.

AN ACT TO EMPOWER THE COMMISSIONERS OF THE COUNTIES OF GASTON AND MECKLENBURG TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE OVER THE CATAWBA RIVER AT ANY PLACE BETWEEN A POINT TWO MILES ABOVE SLOAN FERRY AND A POINT TWO MILES BELOW SAID FERRY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the boards of commissioners of the counties of Gaston and Mecklenburg are authorized and empowered to expend out of the funds of their respective counties such sum as in their judgment may be proper for the construction of a bridge across the Catawba River, at any place on said river between a point two miles above Sloan's Ferry and at a point two miles below Sloan's Ferry. The said boards may determine the amounts to be contributed by each county to the securing of this bridge, and in order to lessen the cost to each of said counties, the said commissioners are allowed and empowered to co-operate upon such agreement between said boards as to the amounts to be contributed by each, and as to the rules and regulations to govern the use of said bridge by the public and as to the keeping of it in repair and its general supervision, as may seem expedient to the said board of commissioners.

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

Ratified this the 1st day of March, 1911.

Expenditure of funds for bridge authorized.

Location.

Apportionment of expense.

Co-operation.

## CHAPTER 448.

AN ACT TO PROVIDE GOOD ROADS IN KNOB'S TOWNSHIP,  
YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Samuel Adams, J. G. Cross and J. L. Bray be and they are hereby created, declared and constituted a "Good Roads Commission" for Knob's Township, county of Yadkin. The term of office of the members of the said good roads commission shall be from the first day of May, one thousand nine hundred and eleven, until the next general election in November, one thousand nine hundred and twelve. All vacancies in said good roads commission caused by death, resignation or removal from the township shall be filled by the remaining members of the said commission. That said good roads commission shall be elected by the voters of Knob's Township at the next general election, as other township officers are elected, and the election of said good roads commission shall take place every two years thereafter.

Commissioners.

Good roads  
commission.

Term of office.

Vacancies.

Election.

SEC. 2. That the said good roads commission shall have the power and it shall be their duty to establish, build and maintain such public roads in said township as shall be deemed necessary; to alter and change the location and grade of any road in said township; to grade, macadamize, improve with sand, clay, gravel, dirt or in any other manner any and all roads or parts of roads in said township they may deem to the best interests of the citizens of said township; to employ at a reasonable compensation a superintendent for the public roads for said township; to employ a competent engineer to assist in the location or improvement of any road in said township; to do any and all things necessary to be done for the maintenance and betterment of the public roads in said township.

Powers of  
commission.

Superintendent.

Engineer.

SEC. 3. That it shall be the duty of the superintendent, under the direction and control of the said good roads commission, to direct and superintend the working, grading, altering and repairing by the several overseers appointed by the justices of the peace for that purpose; to notify such overseers when to warn their hands to work on the roads, and to be present and direct the work to be done; to see that all persons liable to road duty in said township, except in the town of Jonesville, work the number of days required by law if it shall be deemed necessary for the maintenance of the said roads; to recommend to the several justices of the peace in said township proper persons to be appointed overseers by them; to employ hands and teams subject to the approval of the good roads commission; to enter upon any lands lying near to or adjoining any public road, in order to make drains or ditches through the same, as he may deem necessary for the betterment of said road and the drain or ditches so made shall not be obstructed by the

Duties of overseer.

Entry on lands for  
drains and  
ditches.

Acts constituting misdemeanor.	owner of said land or any other person. And any person obstructing such drains or ditches, or who shall interfere in the construction and repairing of said roads, shall be guilty of a misdemeanor
Punishment.	and fined for each and every offense not exceeding fifty dollars or imprisoned for not more than thirty days. Said superintendent
Reports of superintendent.	shall submit to said good roads commission, as often as they may require, a report of contracts fulfilled by hands, teams furnished, of time such hands and teams were employed, prices paid or agreed, material procured otherwise than free, progress of work and such other information as may be required of him: <i>Provided, however,</i> that said superintendent may be discharged at any time for good and sufficient reason.
Overseers to warn hands.	SEC. 4. That all overseers of the public roads in said township shall warn their hands and work such roads at such time only as the superintendent shall direct: <i>Provided,</i> that in case of storm or other unexpected cause whereby the roads may become impassable, it shall be the duty of the overseer to warn his hands and repair such roads without waiting for the order of the superintendent.
Proviso: emergency work.	
Entry on lands for construction.	SEC. 5. That said superintendent is hereby authorized and empowered to enter into and upon any lands in said township for the purpose of laying out any new roads, widening and straightening old roads; or to enter upon any uncultivated lands for the purpose of procuring timber, rock, clay, sand, gravel, necessary to macadamize or improve said roads, and if any person over whose land any road may be constructed, altered or changed, or material procured, shall claim damages therefor, such person shall, within thirty days after the completion of said road or removal of material, present his claim. It shall be the duty of said good roads commission to pay a reasonable price for the same, and in case of any disagreement as to value, the said good roads commission shall, in not less than twenty nor more than sixty days after the complaint or disagreement, order a jury of three disinterested freeholders of said Knob's Township, to be selected and summoned by the sheriff of Yadkin County, as provided by law, and the jury so selected shall give three days notice to the landowner where and when the said jury shall meet to assess the damages, if any; and it shall be the duty of said jury, in considering said damages, to take into consideration any benefits to the owner of said land by said road; and if the benefits derived shall be considered equal to or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to the said good roads commission for confirmation or revision: <i>Provided,</i> that the said claimant may appeal from the decision of said good roads commission to the superior court of Yadkin County.
Entry on lands for material.	
Claims for damages.	
Procedure for assessment of damages.	
Proviso: right of appeal.	
Organization.	SEC. 6. That said good roads commission shall, at its first meeting and annually thereafter, elect one of its members chairman, a

secretary and a treasurer. The treasurer shall have charge of all the road funds for said township and shall be required to give bond in sufficient amount to cover the funds that may come into his hands. On filing proper bond, it shall be his duty to receive from the sheriff of Yadkin County all the special road taxes levied, and collected by the said sheriff by virtue of a special road tax in Knob's Township, Yadkin County. He shall disburse said funds only upon the order of the good roads commission of Knob's Township and shall keep a record of receipts and disbursements of said funds, specifically setting forth every item in detail as paid out, to whom and for what purpose, and he shall present his book for the inspection of the other members of the good roads commission as often as they may require, and receive such commission in addition to his per diem as the said good roads commission may deem just, not to exceed five per centum.

Bond of treasurer.

Duty of treasurer.

Road orders.

Accounts.

Commission.

SEC. 7. That said good roads commission shall meet at stated intervals as may be agreed upon by them, and shall order and issue vouchers for payment of necessary expenses connected with the repairing and construction of roads and for the purchase of implements and machinery, which said vouchers shall be signed by the chairman and secretary of said good roads commission, and a careful record thereof kept by the said secretary. The meetings of said good roads commission shall not be oftener than are actually necessary for the interest and progress of said road improvement and they shall receive the sum of one dollar and fifty cents per diem for the time actually engaged in the performance of their duty.

Meetings.

Vouchers for expenses.

Limit of meetings.

Pay of commissioners.

SEC. 8. That for the purpose of raising funds to carry the provisions of this act into effect, in case such special tax is voted, the board of commissioners of Yadkin County shall at its meeting in June, one thousand nine hundred and eleven, levy a special road tax of twenty-five cents on each hundred dollars worth of property in said township; and it shall be the duty of the said board of commissioners to levy a special tax annually thereafter of twenty-five cents on each hundred dollars worth of property in said township. The tax so levied shall be collected as other taxes are collected by the sheriff of Yadkin County, and the sheriff of Yadkin County is hereby directed to turn over the taxes so collected to the treasurer of the good roads commission of Knob's Township on or before the first day of March, one thousand nine hundred and twelve, and on or before the same date of each succeeding year.

Special road tax.

Tax rate.

Levy mandatory.

Collection of tax.

SEC. 9. That upon the written request of said good roads commission and a majority of the township supervisors of Knob's Township the provisions of all the preceding sections of this act shall be submitted to the vote of all the qualified voters of Knob's Township at an election to be held on a day designated by the board of commissioners of Yadkin County. For the holding of such election said commissioners of Yadkin County shall order a new registration

Request for election.

Election to be ordered.

New registration.

Count and canvass of votes.	of the voters of said township and shall appoint registrars and pollholders and any other officers necessary for such election. At the close of said election said registrar and pollholders shall count and canvass the votes cast and declare the result thereof, and shall
Report.	report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said county commissioners, and no other canvass, report or recording shall be necessary.
Ballots.	SEC. 10. That at said election all the qualified voters who shall favor the levy of the special tax and the other provisions of this act, shall cast ballots on which shall be written or printed "For Good Roads," those opposed to the provisions of this act shall cast ballots on which shall be written or printed "Against Good Roads."
Law governing election.	In all other respects said election shall be held and conducted in the manner prescribed for the election of the members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads," then said special tax shall be levied and the other duties and powers exercised as provided for in this act.
Effect of election.	
Act supplemental.	SEC. 11. This act is supplemental to the general road law. SEC. 12. That this act shall be in force from and after its ratification. Ratified this the 1st day of March, 1911.

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#### CHAPTER 449.

### AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE AND DOMESTIC SCIENCE IN THE PUBLIC HIGH SCHOOLS OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Agricultural instruction and training in domestic science.	SECTION 1. That there shall be maintained in one or more of the public high schools of Guilford County complying with the provisions of this act as hereinafter set forth a department of agricultural instruction and a department of training in domestic science and home economics in order to better prepare the boys and girls of said county for farm life and home making.
Board of trustees.	SEC. 2. That the said school or schools shall be under the control and management of a board of trustees consisting of the members of the board of education of said county and the chairman and secretary of the board of trustees of each high school in which such departments are established.
Selection of school.	SEC. 3. That after due advertisement inviting bids from the public high schools of said county now in existence or hereafter created, the county board of education of Guilford County shall designate the place or places at which such agricultural or domestic

science work shall be established. In designating a school, the said county board of education shall take into consideration the financial aid offered for a maintenance and equipment, desirability, and suitability of location: *Provided, however*, that no such department shall be established in a school which is located in a town of more than one thousand inhabitants nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

Considerations governing choice.

Proviso: locations barred.

SEC. 4. That for the maintenance of said school or schools, the county board of education of Guilford County shall provide annually out of the public school fund, or by donation, or local tax, not exceeding twenty-five hundred dollars: *Provided, however*, that the present average school term of the county shall not be shortened by the appropriation herein designated. Any school applying for the benefit to be derived under this act shall first provide a building with recitation rooms, laboratories, and apparatus necessary for efficient instruction in the prescribed subjects of study and such dormitory buildings as the county board of education of said county may require, and a farm of not less than ten acres of good arable land, said land to be situated not more than one mile from the school buildings: *Provided, however*, that before the county board of education of Guilford County shall designate any school as a place at which the agricultural and domestic science work shall become a part of the school curriculum it shall first submit to the State Superintendent of Public Instruction for his inspection and approval the equipment provided for said school.

Maintenance of school.

Proviso: average school term.

Provision of buildings and equipment.

Proviso: inspection and approval of State Superintendent.

SEC. 5. That the purposes of said school or schools are to give to the boys and girls such preparation as is now given in the said county public high schools, and in addition to that to give to the boys training in agricultural pursuits and farm life, and to prepare the girls for home making and home keeping. The course of study for the said school or schools shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board on farm life schools to be appointed by him.

Purpose of school.

Course of study.

SEC. 6. That the teacher, or teachers, of the public high school, the teacher of agriculture, and the teacher of domestic science shall constitute the faculty of the county high school, who shall arrange the weekly schedule of work and submit such weekly schedule to the county superintendent of education of Guilford County for his approval.

Faculty.

Schedule of work.

SEC. 7. That upon its being made to appear to the State Board of Education that Guilford County has complied with all the provisions of this act for establishment, maintenance and equipment of an agricultural department, and a domestic science department in connection with one or more of the public high schools of the said county, it shall appropriate and pay to the county board of education of Guilford County for such purpose an amount equal to

Appropriation by state.

- that appropriated and furnished by the county of Guilford for said work: *Provided, however,* that said appropriation by the State Board of Education shall not exceed the sum of twenty-five hundred dollars (\$2,500) annually for the maintenance of said work in said county. That any money that is now, or may hereafter, be appropriated by the General Assembly of North Carolina, the State Board of Education, or other State authority for agricultural or domestic science education, a part of which appropriation would, except for this act, be appropriated to Guilford County absolutely, or upon a contingency or contingencies, then and in that event such appropriation which would go to Guilford County shall be turned over to the county board of education of Guilford County to aid in the carrying out of the provisions of this act. That compliance with the provisions of this act by the authorities of Guilford County shall be sufficient to entitle the county of Guilford to its proportion of any appropriation of money already made or which may hereafter be made for training in the science of agriculture or domestic science. The State Superintendent of Public Instruction shall issue a requisition on the State Auditor for the amount so apportioned to Guilford County, and he shall issue his warrant to the county treasurer of said county and the money shall be placed by the said treasurer to the credit of the school or schools of Guilford County in which said agricultural and domestic science work is being conducted: *Provided, however,* that all money thus placed to their credit shall be used exclusively for the purpose of instruction in agriculture and domestic science.
- SEC. 8. That nothing in this act shall be construed to lessen the power and authority of the principal of the high school, but the instructors in the various departments shall be considered members of the faculty of which the high school principal is head.
- SEC. 9. That no person shall be employed as teacher in agriculture or domestic science in the school or schools herein provided for, unless the applicant has furnished to the trustees satisfactory evidence of a liberal English education, and in addition thereto special preparation and fitness for the specific branches to be taught, said qualifications to be passed upon by the county superintendent of Guilford County, and if approved, submitted to the State Superintendent of Public Instruction for his approval. In addition to the above requirements, the said person shall hold a high school teacher's certificate on all required subjects, except Latin, Greek and modern languages.
- SEC. 10. That the board of trustees of the school or schools herein provided for is authorized and empowered to admit students from other counties of the State to said school or schools, upon payment of such tuition charges as said board of trustees may fix, but all students who are residents of Guilford County shall be admitted to any of said schools without charge for tuition: *Provided, how-*
- Proviso: limit of appropriation.
- Appropriation by general law.
- Warrants for apportionment.
- Proviso: specific appropriation.
- Authority of high school principal.
- Qualification for teachers.
- Students from other counties.
- Free tuition.

ever, that there shall be no discrimination against students coming from other counties in the charges fixed for board and incidentals. Board and incidentals.

SEC. 11. That it shall be part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm life and extension work in Guilford County in co-operation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various parts of Guilford County from time to time for farmers and farmers' wives; to co-operate with the county superintendent of education of said county and with the commissioner of agriculture, if such officer exists, in stimulating, directing and supervising practical farm life work in the public high school and the elementary schools of said county, and in providing instruction through the teachers' association, and through a special short course of study at the schools where agriculture and domestic science instruction is given for the public school teachers of the said county. Agricultural farm life and extension work.  
Co-operation.  
Special short courses.

SEC. 12. That this act shall apply only to Guilford County. Application of act.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

#### CHAPTER 450.

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF EDGECOMBE COUNTY TO ISSUE BONDS TO REPAIR AND REMODEL THE COURT-HOUSE OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of repairing, remodeling and otherwise improving the court-house of Edgecombe County, the board of commissioners of said county are hereby authorized and empowered to issue coupon bonds of said county to an amount not exceeding twenty thousand dollars, in denominations of not less than one hundred dollars nor more than one thousand dollars. Purpose of bond issue.  
Bond issue authorized.  
Amount.

SEC. 2. Said bonds shall be numbered consecutively, and of the principal of said bonds one thousand dollars thereof shall be made due and payable on the first day of January, nineteen hundred and twelve, and a like sum of one thousand dollars on the first day of each January thereafter until the principal of said bonds shall be fully paid. The said bonds shall bear interest from their date at the rate of five per centum per annum, payable on the first day of July and January of each year after their issue until fully paid. Denominations.  
Maturity.  
Interest.

- Authentication. SEC. 3. Said bonds shall be signed by the chairman of the board of county commissioners, countersigned by their clerk, and attested by the official seal of said county; and thereupon delivered to the county treasurer, who, under the direction of the commissioners of said county, shall sell and dispose of the same in such way and after such advertisement as the commissioners of said county shall deem best: *Provided*, no bond issued under the provisions of this act shall be sold or otherwise disposed of for less than par and the accrued interest thereon. The said county treasurer shall keep an accurate list and account of the number and denomination of the bonds issued under this act, to whom sold, when sold, and what figure, and within thirty days thereafter make report thereof to the commissioners of said county; the county treasurer shall likewise keep an accurate list and account of all bonds and coupons which shall be paid and canceled, making report thereof to the board of commissioners of said county within thirty days after such payment.
- Sale of bonds. The county treasurer of said county shall receive all proceeds from the sale of said bonds and disburse the same upon order of said board of commissioners as is now by law provided in case of other funds coming into his hands by virtue of his office. The county treasurer of said county shall give such bond as may be required by the commissioners of said county for the safe custody and keeping of all moneys coming into his hands by virtue of this act, and the proper and lawful disbursement thereof, and shall receive such compensation for his services as may be fixed by said board of commissioners.
- Proviso: bonds not to be sold below par.
- Record of bonds.
- Reports.
- County treasurer's duty.
- Bond of treasurer.
- Investment of trust funds. SEC. 4. All executors, guardians, trustees and other fiduciaries are hereby authorized and empowered to invest any fund in their hands in a purchase of said bonds at the market price thereof.
- Coupons receivable for county tax. SEC. 5. The coupons of said bonds shall be receivable in payment of all county taxes.
- Tax for bonds and interest. SEC. 6. That for the purpose of paying the principal and interest of said bonds, the board of commissioners of Edgecombe County shall levy and cause to be collected, annually, as other taxes are levied and collected, a tax upon all real and personal property, rights and credits now or hereafter subject to taxation for general purposes, not exceeding five cents on each hundred dollars worth of property, and fifteen cents on each taxable poll, observing the constitutional equation in the levy thereof.
- Rate.
- Separate fund. SEC. 7. All moneys collected from the tax herein authorized to be levied shall be a separate and distinct fund to be appropriated and applied to the payment of said bonds and the interest thereof, and to no other purpose.
- Specific appropriation. SEC. 8. This act shall be in force from and after its ratification. Ratified this the 1st day of March, 1911.

## CHAPTER 451.

AN ACT FOR BUILDING AND IMPROVING THE PUBLIC  
ROADS IN THE DIFFERENT TOWNSHIPS IN NASH  
COUNTY.

Whereas, certain townships and certain parts of other townships of Nash County, have already provided for working their public roads by a system of taxation and by the issuance of bonds; and, whereas, the other townships in Nash County, together with the excluded parts of those townships already partially embraced in the road law, desire to provide for the working of their public roads in like manner, without, however, disturbing or in any wise interfering with the districts already created, or with the grant of legislative powers to them, except as may be hereinafter expressly provided for; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That that part of Cooper's Township, Nash County, and that part of South Whitaker's Township, Nash County, heretofore embraced within the boundaries of the Rocky Mount road district, as created by chapter eight hundred and fourteen of the Acts of one thousand nine hundred and seven, and each and both of them, are hereby withdrawn or taken from said Rocky Mount road district, and as to each and both of them, the provisions of said chapter eight hundred and fourteen, Acts of one thousand nine hundred and seven, are hereby expressly repealed.

SEC. 2. That part of Rocky Mount Township, in Nash County, and that part of Stony Creek Township, Nash County, heretofore not embraced or included within the boundaries of Rocky Mount road district, as created and bounded by chapter eight hundred and fourteen, Acts of one thousand nine hundred and seven, and each and both of them, are hereby expressly added to, and declared, from the date of the ratification of this act, to form part of said Rocky Mount Road District, and as to each and both of them, chapter eight hundred and fourteen, Acts of one thousand nine hundred and seven, is amended so that its provisions shall be and are in force and effect, as fully to all intents and purposes as if they had been within the boundaries of said road district when it was originally created and defined.

SEC. 3. That each of the following named townships in the county of Nash as on January first, one thousand nine hundred and eleven, bounded and defined, shall be and is hereby made a separate and distinct road district, to wit: North Whitaker's Township, South Whitaker's Township, Griffin's Township, Cooper's Township, Castalia Township, Jackson's Township, Bailey's Township, Ferrall's Township, Dry Wells Township, and Red Oak Township. and the

Names of districts.	boundaries of the road district in each and every of the above-named townships shall be and are hereby made co-extensive with the boundary lines of said townships. The names of said road districts shall be as follows, viz: "North Whitaker's Township Road District," "South Whitaker's Township Road District," "Griffin's Township Road District," "Cooper's Township Road District," "Castalia Township Road District," "Jackson's Township Road District," "Bailey's Township Road District," "Ferrall's Township Road District," "Dry Well's Township Road District," "Red Oak Township Road District."
Road commissions.	SEC. 4. That a road commission for each of the above named road districts shall be created, composed of three members, who shall be elected by the board of commissioners for the county of Nash, at their first regular meeting in May, one thousand nine hundred and eleven, and biennially thereafter, and each person so elected shall hold his office for a term of two years from the first day of June, and until his successor is elected and duly qualified. All vacancies occurring shall be filled as soon as practicable by the board of commissioners for the county of Nash at the meeting next succeeding upon such vacancy. Each member of said road commission shall be a freeholder and a duly qualified voter living within the territory comprising the road district of which he is a road commissioner, and two members of said road commission in any road district shall constitute a quorum for the transaction of business.
Election and term of road commissioners.	
Vacancies.	
Qualifications for commissioners.	
Quorum.	
Incorporation.	SEC. 5. That the persons so elected, and their successors, shall be and are hereby constituted in each road district a body corporate
Corporate names.	by names and styles as follows, to wit: In North Whitaker's Township: "Road Commission for North Whitaker's Township Road District"; in South Whitaker's Township: "Road Commission for South Whitaker's Township Road District"; in Griffin's Township: "Road Commission for Griffin's Township Road District"; in Cooper's Township: "Road Commission for Cooper's Township Road District"; in Castalia Township: "Road Commission for Castalia Township Road District"; in Jackson's Township: "Road Commission for Jackson's Township Road District"; in Bailey's Township: "Road Commission for Bailey's Township Road District"; in Ferrall's Township: "Road Commission for Ferrall's Township Road District"; in Dry Wells Township: "Road Commission for Dry Wells Township Road District"; in Red Oak Township: "Road Commission for Red Oak Township Road District."
Corporate powers.	And by such names each said body corporate may sue and be sued, make contracts, adopt a seal, acquire real or personal property by gift, purchase or devise, hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.
Meeting for organization.	SEC. 6. The members of each of such road commissions as are hereby created shall meet at the voting place in the township of the road district for which they are elected, on the first Monday in

December, one thousand nine hundred and eleven, or as soon thereafter as practicable, and biennially thereafter, and after being duly qualified by taking the oath of office, to be administered by a justice of the peace of the township in which such commission meets, or by any duly commissioned notary public, shall proceed to organize by selecting one of their members chairman, and one of their members secretary, of said commission. The said road commissions shall each hold regular meetings at such times and places as may be agreed on by resolution of each commission, and shall hold special meetings at the call of the chairman or of any two members of any commission, of which called meetings all members shall be notified; and two members of said commission shall constitute a quorum for the transaction of any business at any such called meetings.

Commissioners to qualify.

Organization.

Regular meetings.

Special meetings.

Quorum.

SEC. 7. That the said respective road commissions shall have full supervision and control of all labor to be worked on the public roads of their respective road districts, and shall likewise have supervision of all public roads in their respective districts. They shall have power and authority to hire such labor and to purchase such tools, material, stock, equipment, machinery or other appliances or things as are necessary for the proper working of the public roads under their supervision, by hired labor, which shall be paid for out of the fund raised for working the public roads of said district. All orders for the payment of any money directed to be paid out on account of the debts devolving upon the road commission, shall be signed by the chairman and one member of the commission acting as secretary of said road commission; and shall be drawn on the treasurer of Nash County, who shall pay and charge said order to the road fund of said district drawing said order: *Provided, however,* that whenever order upon the treasurer shall be for an amount in excess of one hundred dollars (\$100) said order shall, before being paid by the treasurer, be first, by the road commission making said order, submitted to the board of commissioners of Nash County and approved by it. The cost of repairing and building bridges, if more than fifty dollars, shall be paid out of the general fund of the county in which said bridge is located, and not of the road district fund: *Provided, however,* that in the purchase of machinery, live stock, material, tools, equipment and other appliances for working the said public roads, the road commissioners of one or more of the respective districts may co-operate with the road commissioners of one or more of the other road districts and purchase and own the same jointly, if in their judgment a saving of money can be made by such co-operation; and the interest of each road district co-operating with any other or others in purchasing machinery, live stock, appliances, tools, or equipment, in such purchase, shall be the proportion which that part of the purchase-money supplied by each commission bears to the total cost of the joint purchase.

Supervision and control of labor and roads.

Hire of labor and purchase of equipment and material.

Orders on road funds.

Proviso: orders approved by county commissioners.

Bridges charged on general fund.

Proviso: co-operation by districts.

Width of roads.

SEC. 8. That the said several road commissions hereby created, in constructing and working the public roads in their respective districts herein named, shall make the roadway not less than twenty feet nor more than forty feet wide, any part of which shall or may be permanently macadamized as soon as expedient. In constructing the said roads, the said respective road commissions shall make them as nearly straight as practicable, and shall grade them. In laying out, opening, constructing or working any public road in any one of said districts, the road commission of said district, or any superintendent acting under said commission, shall have the right to enter upon the lands of any person over whose lands the road may pass, and may proceed to open up said road and to use such stone, earth, timber or other material as may be necessary for the work. Any timber or wood taken for use in building the roads in any one of said districts must be at the time of the taking within forty feet of the said road, and must be taken with as little injury as possible to the property on which the same is situate; and the said road commission in each and every of the said road districts shall have authority to agree with the owner as to the damages sustained by him, and the sum so agreed upon shall be paid immediately by such road commission, by an order on the treasurer of the county drawn against the road district fund of the district in which said road is located, with like formality as is provided in section seven. In case the road commission and the owner can not agree on the amount of damages, then each opposing party shall select one arbitrator, and the two thus selected shall select a third arbitrator, and the three shall assess the damages; and the assessment and finding thus made shall be final and conclusive upon both parties, and shall have like effect as a judgment of a court of competent jurisdiction.

Permanent macadam.

Grade.

Entry on land for construction and for material.

Restriction on right to take timber.

Payment of damages.

Arbitration of damages.

Employment and duty of road superintendent.

Reports.

Proviso: co-operation authorized.

SEC. 9. That any or either of the said road commissions herein created may employ a superintendent who shall have the immediate and personal supervision of the hands hired and of their employment, shall see that the work directed by the road commission is properly performed in accordance with its direction, and shall jointly have charge of the tools, machinery, equipment and other property pertaining and belonging to the district. The said superintendent shall report directly to the road commission any and all irregularities, troubles in operations and expenditures of the district in which he is working, and may be discharged at any time by the road commission employing him: *Provided, however,* in constructing and working the public roads and in employing the superintendent, and jointly in the building and making, repairing, extending and improving the roads and road systems of the said respective road district, Rocky Mount road district, heretofore created by chapter eight hundred and fourteen, Acts of one thousand nine hundred and seven, and any one or all of the said road

districts lying contiguous or adjoining each other (B) may combine their resources and co-operate, working the roads of the district thus combining and co-operating jointly and together; and in the event of such co-operation and joint work each road district is to bear such part of the expense incurred as is proportioned to the labor done on the roads of such district, the object and purpose of this co-operation for joint work being, to save each separate road district the expense incident to assembling and maintaining separate and distinct equipment and road forces.

Proportion of expense.

SEC. 10. That the board of commissioners for the county of Nash, in order to provide for the proper construction, improvement and maintenance of the public roads and bridges (to cost less than fifty dollars) of the several road districts herein created, and to pay the interest and provide a sinking fund for the payment of the principal of any bonds which may be hereafter issued, at their regular meeting in June, one thousand nine hundred and eleven, and at each June meeting annually thereafter, shall levy a special tax on all property subject to taxation under the law within each said district, of not less than ten cents nor more than thirty cents on the hundred dollars of property, and not less than thirty cents nor more than ninety cents on the poll, the constitutional equation to be observed at all times. Said taxes shall be collected as all other taxes are collected, shall be kept separate on the tax books of each township in the county, to be set aside as a special road fund for the respective road district in which the same is levied and collected; shall be used in the construction and improvement and maintenance of the public roads and of such bridges in each said township not costing in excess of fifty dollars; and shall be used further for the purchase of such material, implements, teams, wagons and outfits as may be necessary for the proper carrying on of the work in each said road district, and for the payment of the interest on and providing a sinking fund for the payment of the principal of such bonds as may be issued by the road commission in each said district, and for the employment of all such labor as may be necessary: *Provided, however,* that the money raised under this section shall, as far as possible, be used for the permanent improvement of the roads in the several districts hereby created, and the payment of the interest on such bonds as may hereafter be issued: and *Provided, further,* that it appearing that the Rocky Mount road district, as it was created and defined by chapter eight hundred and fourteen, Acts of one thousand nine hundred and seven, which then embraced parts of Cooper's and South Whitaker's townships, has already issued and sold bonds in the sum of (\$10,000) ten thousand dollars for the purpose of which the said parts of Cooper's and South Whitaker's townships would be *pro tanto* liable to the extent to which the proceeds of said bonds were used in constructing the roads of said townships; therefore, in the

County commissioners to levy road tax.

Rate.

Constitutional equation.  
Collection of tax.

Specific appropriation.

Proviso: permanent improvement.

Proviso: repayment to Rocky Mount road district.

event of the issuance and sale of bonds by Cooper's Township road district, or by South Whitaker's Township road district, either or both, under the provisions of this act, there shall be paid out of the proceeds of the sale of said bonds, to Rocky Mount road district, the proportion of the present bonded indebtedness of said Rocky Mount road district, as upon a statement of account, it shall be ascertained each of said township road districts may owe. Said account shall be stated as follows, viz: the board of commissioners of Nash County shall appoint a committee to be composed of one resident of Rocky Mount road district and one resident of Cooper's Township road district, or of South Whitaker's Township road district, respectively, according to which account is to be stated, which two thus chosen appoint a third; the three thus selected shall ascertain and report to the board of commissioners of Nash County the proportion of the bonded indebtedness of the Rocky Mount road district which Cooper's Township road district or South Whitaker's Township road district shall be liable for as above. The said committee shall take into consideration, in arriving at the amount, the interest of the last two named road districts in the equipment, live stock, machinery heretofore purchased by the Rocky Mount road district, the mileage and character of the roads worked, constructed and repaired in Cooper's and South Whitaker's townships while parts of them were in Rocky Mount road district; the amount of the bonded indebtedness of said Rocky Mount road district, the amount of taxes paid heretofore by the parts respectively of Cooper's and South Whitaker's within the limits of Rocky Mount road district, and each and every other item and thing which may seem necessary to arrive at a just and equitable statement of the respective claims and demands.

SEC. 11. That subject to the approval of the said respective road commissions, the superintendent of roads, to be chosen and selected by the said several commissions, either severally or jointly, are hereby empowered, with the aid of competent engineers or surveyors, to locate, re-locate, or change any part of any public road in any of the said road districts, when in the judgment of said superintendent in any said district the same will prove advantageous to public travel in said district; and when any person or persons on whose land the new road or part of the road is to be located claims damages therefor, and within sixty days files a petition before the road commission of his district, asking for a jury to assess such damages, the said commission of his said district, within not less than twenty days or more than sixty days after the completion of said road, shall order a jury of three disinterested freeholders to be summoned by the sheriff or constable, as provided by law, who shall give said landowner, or his legal representative, forty-eight hours notice of the time and place, when and where said jury will meet to assess damages. The said jury, being first duly sworn, in con-

Committee to state accounts.

Considerations entering into settlement.

Location and change of roads.

Claims for damages.

Procedure for assessment of damages.

sidering the question of damages, will also take into consideration the benefits to the owner of said land, and if such benefits shall be considered equal to or greater than the damages sustained, then the jury shall so declare and report in writing its finding to the said respective road commission for said respective district for revision or confirmation: *Provided, however,* that if such landowner be a nonresident of the county and have no legal representative, it shall be deemed a sufficient service of such notice for the sheriff or constable to forward by mail a written notice of the purpose and time and place of said meeting of said jury to the last known post-office address of the landowner seven days in advance of said meeting, and also to post a notice for seven days at the courthouse door in Nash County.

Proviso: notice to nonresidents.

SEC. 12. In case the landowner or his legal representative, or the representative road commission, shall be dissatisfied with the finding of the jury aforesaid, he or it may appeal from their decision to the superior court, all such appeals being governed by the law regulating appeals from justices of the peace, and on the hearing of the same the trial shall be *de novo*: *Provided, however,* that the trial judge in his discretion may require the landowner or the commission to give bond when the appeal is further prosecuted by either party to the supreme court.

Right of appeal.

Proviso: bond on appeal to supreme court.

SEC. 13. No landowner or tenant shall turn water on the public roads in any one of the above recited road districts without the consent of the superintendent of the roads in such districts; and any landowner who shall hereafter, by ditches or drains constructed by him, turn the water from his field or fields upon the public road or roads, shall within ten days after notice given by the superintendent in writing to change the course of his ditches or drains or culverts, do so, so that the water shall not flow into or over the said road or roads; and the failure of any such landowner, after notice as herein provided to change the course of any ditch, drain or culvert, turning the water across or upon the public roads, shall constitute a misdemeanor punishable upon conviction with a fine of not more than fifty dollars or imprisonment of not more than thirty days.

Turning water on roads forbidden.

Landowner to change ditches.

Failure a misdemeanor.

Punishment.

SEC. 14. That it shall be unlawful for any one to take and carry away sand, clay, soil or gravel from any one of the public roads in any one of the road districts herein created, or from the ditches along the sides of the public roads in any one of said road districts or for adjoining landowners to permit plows to drag dirt from adjoining fields into same without the written consent of the superintendent of such road district having in charge such roads. Any violation of this section shall be punishable upon conviction with a fine of ten dollars, or imprisonment for five days.

Injuries to roads forbidden.

Punishment.

SEC. 15. No money shall be expended by any one of the road commissions herein created on any street of any incorporated town or

Money not expended on street work.

Proviso: contracts with towns or cities.

city within any one of said road districts: *Provided, however,* that this section shall not be construed to prevent the entering into contract between any incorporated town or city and the road commission of any one of the districts herein created to work the road or streets within said incorporated town or city for full pay and compensation therefor.

Funds expended in townships.

SEC. 16. That all taxes levied under this act shall be expended within the road district in which such taxes are collected, and the proceeds of all bonds to be issued and sold as hereinafter provided shall be for the purpose of making, grading, repairing and improving the public roads of the said named road districts in said county so issuing and selling said bonds, to the extent of such issue: *Provided, however,* that out of the taxes collected as above provided in each township or road district, the board of commissioners of Nash County shall direct the treasurer of Nash County to pay, and said treasurer shall pay a reasonable attorney's fee for the labor done and service given in drawing this act, the amount thereof to be fixed by said board of commissioners, and to be apportioned equally among the several road districts above named.

Proviso: attorney's fee.

Liabilities of road districts and of county defined.

SEC. 17. The property embraced in the respective road districts herein created shall not be liable to Nash County for any road tax to be used or expended outside of each said road district, nor shall the persons living in any one of said districts be liable for any personal road service after this act shall have gone into effect, except as hereinafter provided, nor shall the said county of Nash be liable for any expenses of the public road in any one of said districts after this act shall have gone into effect, except and on account of bridges costing fifty dollars and more, which said bridges are to be built and repaired out of the general fund of the respective counties.

Road duty.

Bond issue directed.

SEC. 18. That the board of county commissioners of Nash County are hereby authorized and directed to issue bonds for the different townships in Nash County in amounts as follows: North Whitaker's Township, twenty thousand dollars (\$20,000); South Whitaker's Township, ten thousand dollars (\$10,000); Griffin's Township, fifteen thousand dollars (\$15,000); Cooper's Township, fifteen thousand dollars (\$15,000); Castalia Township, fifteen thousand dollars (\$15,000); Jackson's Township, ten thousand dollars (\$10,000); Bailey's Township, fifteen thousand dollars (\$15,000); Ferrall's Township, ten thousand dollars (\$10,000); Dry Wells Township, twenty thousand dollars (\$20,000); and Red Oak Township, ten thousand dollars (\$10,000) for the purpose of grading, building and improving the public roads of said townships: *Provided,* a majority of the qualified voters of each township shall authorize the same, in an election to be held as hereinafter provided. Said bonds shall not bear a greater rate of interest than six per cent per annum, payable thirty years after date thereof, the same not

Amounts for each township.

Proviso: voters to authorize bond issue.

Interest.

Maturity.

to be sold at less than par and to be of the denomination of one hundred dollars (\$100) each or multiples thereof, interest to be due and payable semi-annually, on the first days of January and July of each year, and to be so expressed in the face of each bond. The bonds authorized by this act shall be issued separately for each township, and specify in the face of same for what township issued, and each bond shall be numbered and have attached thereto sixty coupons, each coupon to represent the interest that shall become due semi-annually on each of said bonds. Said bonds and coupons to be payable in current funds at par in New York or at such other place as the county commissioners of Nash County may determine or direct. The said bonds and coupons shall be signed by the chairman of the board of commissioners of Nash County and countersigned by the register of deeds of said county, and shall have the official seal of the register of deeds attached thereto. The said bonds and coupons shall express upon their face that they are payable out of the taxes to be levied on the taxable property and polls of the respective township for which issued only, in order to pay the interest on any bonds issued under or by provisions of this act. The county commissioners of Nash County shall on the first Monday after the election at which a bond issue in the respective townships, or any one of them, has been voted, and annually thereafter, levy a sufficient tax on the taxable polls and property of the respective townships, to be collected by the sheriff or tax collector of Nash County as other taxes are collected, and when collected the taxes for each township shall be kept separate and used only for the payment of interest on the bonds of the township from which same is collected. Fifteen years after the date of said bonds it shall be lawful for and the duty of the board of commissioners of Nash County to levy, annually, on the taxable property and polls of each township a sufficient tax to create a sinking fund for the purpose of paying off and discharging the principal of said bonds when they shall become due.

Not to be sold below par.  
Denomination.

Bonds to specify township.

Authentication.

Special tax for interest.

Special tax for bonds.

SEC. 19. That for the purpose of carrying this part of this act into effect the county commissioners of Nash County are hereby directed and authorized to call an election in each of the townships of Nash County, and submit to the qualified voters of each township the question of voting for road improvement and opposed to road improvement, after first giving thirty days notice of said election by publication in some newspaper published in Nash County, and by posting notices at four public places in each township; said notices as posted and published shall be for each township separate and distinct, and setting forth fully the objects of the election and the authority by which same is called.

County commissioners to call elections.

Notice of elections.

SEC. 20. That for the purpose of any election herein provided for, the county board of elections for Nash County shall appoint one registrar and two judges of election for each voting precinct in

Election officers.

Registration.	each township, and the registrar so appointed shall keep the registration books of his respective precinct open for fifteen days, closing the same on the second Saturday preceding any election called by virtue of this act. That on the first Saturday preceding any election called by virtue of this act, the registrars with their registration books and the judges of election appointed shall attend at the voting precincts for which they have been appointed, when and where any citizen may challenge the vote of any one registered for such election, and all challenges shall be heard and determined under the same rules and regulations as provided for the determination of challenges for members of the General Assembly as provided by the general election law of this State. That it shall not be necessary for those who registered and voted at the election held on the sixth of November, one thousand nine hundred and eight, to re-register for any election herein provided for, and which may be called during the year nineteen hundred and eleven.
Challenge day.	
Time for elections.	SEC. 21. The county commissioners of Nash County shall call elections provided for not later than the fifteenth day of May, one thousand nine hundred and eleven, and the said board of commissioners are hereby authorized and empowered and directed in their discretion to re-submit the question of issuing bonds in any township in said county as provided for in this act to the qualified voters of said township or townships at other elections, to be called by them under the same provision of this act relating to the first election herein provided for: <i>Provided</i> , said other elections shall not be called later than the second Tuesday in February of any year.
Further elections.	
Proviso: time of subsequent elections.	
Hours of voting.	SEC. 22. That at any election held under the provisions of this act the polls shall be open on the day of election at eight o'clock in the morning and close at sun down of the same day, when the registrar and judges of the election shall count up the votes and make their return of the result to the county commissioners of Nash County not later than the third day after such election, and the county commissioners of Nash County are hereby required to meet at the court-house on the third day after any election held under this act, in Nashville, and canvass the returns from each township in which any election may be held, and declare the result thereof. That the result of the elections held in each township shall be spread upon the minutes of the board of county commissioners, the result of each township being recorded separate, the one from the other.
Count and return of votes.	
Canvass of returns.	
Record of result.	
Ballots.	SEC. 23. That at any election held under the provisions of this act those favoring bonds shall vote on a written or printed ballot "For Road Improvement" and those opposing bonds shall vote "Opposed to Road Improvement."
Law governing elections.	SEC. 24. The said election shall be held according to the laws and regulations provided for in the election of members of the General Assembly, except as herein otherwise provided.

SEC. 25. That if at any election held under and by authority of this act, a majority of the qualified voters in any township of said county shall vote "For Road Improvement," then the board of commissioners of Nash County are hereby authorized, empowered and directed to issue the bonds for such township and sell the same.

Effect of election.

SEC. 26. That the board of commissioners of Nash County shall deliver to the treasurer of Nash County, to be held to the use and for the credit of the respective townships or road districts voting bonds as aforesaid, the proceeds derived from the sale of said bonds so voted by the respective townships or road districts, after deducting from said proceeds of sale the actual expenses of preparing, printing and lithographing the same and negotiating the sale of said bonds, which last item shall include attorney's fees to be fixed by the board of commissioners of Nash County for each road district: *Provided, however,* before delivering the proceeds of bonds to said treasurer the board of commissioners may require of him such additional official bonds as may seem to the said board necessary.

Proceeds to treasurer for use of road districts.

Deductions including attorneys fees.

Proviso: additional bond of treasurer.

SEC. 27. The proceeds of the sale of bonds so held by the treasurer of Nash County to the credit of the respective townships or road districts to which the same may belong shall be used and applied to the objects and purposes of building and repairing and improving and constructing the public roads of the respective township or road district voting said bonds; and no part of said fund shall be paid out by the treasurer except upon orders signed by the chairman and countersigned by the clerk of said road commission. The treasurer upon said order will pay the amount thereof and charge the same to the road fund or district drawing said order: *Provided, however,* that no warrant or order on the treasurer for an amount greater than one hundred dollars (\$100) shall be paid by him until the same shall have first been presented to the board of commissioners of Nash County for its approval, and shall have been approved by it.

Application of proceeds of bonds.

Orders on fund.

Proviso: orders to be approved by county commissioners.

SEC. 28. That the road commissioners above provided for, for their respective townships, shall receive as compensation for their services two dollars and fifty cents per diem each for the time they have actually spent in performing their said duties, same to be paid out of the road funds belonging to said township.

Compensation of road commissioners.

SEC. 29. That the road commissioners of the several townships hereinbefore named shall have power and authority to make such rules and regulations as they may deem expedient and necessary for the carrying out of the provisions of this act as relates to their respective townships not inconsistent with or superior in authority to the provisions of this act. They shall have authority to employ counsel in all matters wherein they deem it necessary, and pay such counsel out of any funds that may come into their hands.

Rules and regulations.

Employment of counsel.

SEC. 30. That nothing herein shall be construed to mean that any

Expenditures by and for townships.

money received from the sale of any bonds voted by any township shall be used or expended upon or in behalf of any other township than that one voting same, and the taxes collected to meet the interest and provide the sinking fund for the bonds of each township shall be used only to meet the interest and provide a sinking fund for the township from which same are collected.

Issue of bonds.

SEC. 31. That the bonds herein provided for shall be issued only in such sums and at such times as may be directed by the road commissioners of the road district or township issuing same, and if in the judgment of the road commissioners of the township issuing bonds any such bonds should be retired at any time after ten (10) years, then a clause to that effect may be embraced in the face of such bond.

Retirement after ten years.

Expense of election.

SEC. 32. That all expenses for holding any election under the provisions of this act shall be paid for by the commissioners of Nash County out of the taxes collected in each township applicable to said township or road district.

Bonds issued on vote of townships.

SEC. 33. That no bonds shall be issued by virtue of any election held under this act, except for the township or townships wherein a majority of the qualified voters of such township or townships vote "For Road Improvement," and in no event shall any bonds that may be issued by virtue of this act be a debt of Nash County, but only a debt of the township for which they are issued.

Debt of township only.

Loans of sinking fund.

SEC. 34. That the county commissioners of Nash County shall have authority to loan the sinking fund that may be raised for any township by virtue of this act for such length of time not exceeding one year and for not less than six per cent interest, such loan to be secured by mortgage or deed of trust upon real estate assessed of not less than the amount of the loan, and such loan when made shall specify upon the face of the loan that the same is due and payable to the board of commissioners of Nash County, for the use of the township to which the sinking fund belongs. All mortgages or deeds of trust that may be taken by virtue of this section shall be executed to the chairman of the board of commissioners of Nash County, with full power of sale embraced in such mortgage or deed of trust.

Mortgages and deeds.

Power to renew bonds.

SEC. 35. That if at the expiration of thirty years any of the bonds issued by virtue of this act should be outstanding or unpaid, then the county commissioners of Nash County or the other governing officers of the county who may then be performing the duties which are now being performed by the county commissioners of Nash County, shall have authority, after applying all the sinking fund to the payment of said bonds, to renew the remainder of such bonds and for such length of time and upon such terms as they may deem proper and not inconsistent with the provisions of this act. No bond that may be renewed shall run for a greater length of time than thirty years, and the renewal of same may be done

Maturity of renewed bonds.

without any further act of the Legislature than this act: *Provided*, that such renewal shall be secured by the polls and property of the township first issuing the same, and shall not be in any wise or at any time a charge upon the polls or property of any other township.

Proviso: security of renewed bonds.

SEC. 36. That nothing in this act shall prevent the collection of any tax that may be levied for public roads in Nash County, but the same shall be collected as herein provided and disposed of as provided in this act.

County road tax.

SEC. 37. Parties traveling upon the roads herein provided for shall observe the following rules: Where wagons meet the empty wagon shall give way and turn out for loaded wagons. In all cases where wagons have to turn out, they shall all turn out to the right where same can be done. Any person violating this section shall be guilty of a misdemeanor and be fined not less than two dollars nor more than ten dollars, or be imprisoned for not less than three days nor more than ten days.

Rules of the road.

Violation, a misdemeanor. Punishment.

SEC. 38. That in addition to the specific directions herein set forth the road commissioners of the several townships are hereby authorized and empowered to do any and all things that in their discretion may be deemed necessary to improve the roads of their respective townships and to carry out the intents and provisions of this act.

General powers to commissioners.

SEC. 39. That it shall be unlawful for any person or corporation to carry on the business of hauling logs, timber or lumber over the roads of any one of the road districts above laid out and created, without first having obtained a license therefor; and any person or corporation carrying on the business of hauling logs, timber or lumber as aforesaid, without having first obtained license shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars. Said license shall be issued by the road commissioners of the road district or township over the roads of which the wagon or wagons are driven, and will be signed by the chairman and countersigned by the clerk of said road commission. The license tax which said road commission in each township is to collect is as follows, to wit: for each one-horse wagon, five dollars for each year or part of a year; for each two-horse wagon, ten dollars for each year or part of a year; for each three-horse wagon and each four-horse wagon, fifteen dollars for each year or part of a year; for each wagon drawn by more than four horses or mules, twenty dollars for each year or part of a year; for each traction engine, twenty-five dollars for each year or part of a year. The money thus collected from license taxes as aforesaid shall be paid over to the treasurer of the county of Nash by the road commissioners collecting the same, to be held to the credit of the township or road district so collecting it. Any district or township in which wagons are operated shall be entitled to collect the license tax without respect to its having been collected by any other township.

Log, timber and lumber haulers to obtain license.

Hauling without license a misdemeanor.

Punishment.

License.

Rate of license tax.

License tax to use of road fund.

License for each district.

Continuation of  
present road law.

SEC. 40. That inasmuch as no taxes applicable to the expense of working, maintaining and constructing the public roads of the respective road districts herein created can be collected until the fall of the year, one thousand nine hundred and eleven, and it is necessary to continue in force some method of working the public roads of said road districts until the said taxes are available, the general road law as contained in chapter sixty-five of The Revisal of one thousand nine hundred and five and amendments, shall be and the same is hereby declared to be and remain in full force and effect in the several road districts herein created, until the first day of December, one thousand nine hundred and eleven, on and after which date the method of working said roads by taxation as herein above provided shall become effective.

Law repealed.

SEC. 41. That chapter nine hundred and forty of the Acts of one thousand nine hundred and seven, and each and every section thereof is hereby repealed, to take effect from and after the ratification of this act.

SEC. 42. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 452.

### AN ACT TO FIX THE SALARIES FOR THE COUNTY OFFICERS OF WAKE COUNTY, AND TO INCREASE THE ROAD FUND AND THE SCHOOL FUND.

*The General Assembly of North Carolina do enact:*

Sheriff to appoint  
township deputies.

Half-fees allowed.

Allowance for tax  
collections.

Service of process  
in Raleigh  
Township.

Sheriff to collect  
and turn over  
other fees.

Appointment and  
salaries of jailer,  
office and chief  
deputy.

SECTION 1. That the sheriff of Wake County may appoint one or more deputies in each township in said county outside of Raleigh Township and may allow such deputies one-half the fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and the fees and commissions made and collected by them from executions. They shall be allowed two and one-half per cent on such taxes as they may be authorized to collect, and do collect in their respective townships, by the board of county commissioners. The said sheriff and his office deputies shall serve all summons and other processes in Raleigh Township directed to such sheriff.

SEC. 2. All other fees, commissions, profits and emoluments of all kinds now belonging to or appertaining to the office of sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be disbursed as hereinafter provided.

SEC. 3. That the said sheriff shall appoint a jailer and one office deputy, whose salaries shall be respectively seventy-five dollars each

per month, and one chief deputy whose salary shall be twelve hundred (\$1,250) and fifty dollars a year, payable monthly. The said jailer so appointed, besides the discharge of the duties of the position of jailer, shall also act as office deputy to said sheriff, and the said sheriff shall collect the taxes of Raleigh Township which is now the duty of the said sheriff to collect, or such as may be his duty to collect hereafter in said township, and shall also collect the taxes of such other townships in said county as far as practicable or as the county commissioners of said county shall determine: *Provided*, that said sheriff and his bond shall be liable for the faithful performance of the duties of their office on part of his several deputies and jailer hereinbefore referred to, and nothing herein shall be taken or construed to relieve said sheriff or his bond of any liability heretofore existing or imposed by law. That the said sheriff shall receive a salary of two thousand seven hundred and fifty dollars per annum as sheriff; the premiums on bond or bonds of said sheriff shall be paid for by the board of county commissioners out of the fund hereinafter created.

Jailer and office deputy.

Collection of taxes by sheriff.

Proviso: responsibility of sheriff.

Salary of sheriff.

Premium on bond.

SEC. 4. That the clerk of the superior court, the register of deeds and the treasurer of said county shall faithfully collect, account for and turn over to the treasurer of the said county all fees, commissions, profits and emoluments of every kind that may now or hereafter accrue, belong to or appertain to them by virtue of their offices.

Clerk, register and treasurer to collect and turn over fees.

SEC. 5. That the said clerk of the superior court shall receive a salary of two thousand seven hundred and fifty dollars (\$2,750) per annum as clerk; the said register of deeds shall receive a salary of two thousand five hundred dollars (\$2,500) per annum as register of deeds, as compensation as said officers. That said clerk shall appoint a deputy clerk, and the said deputy clerk shall receive fifteen hundred dollars a year, salary, and a clerk whose salary shall be seventy-five dollars per month. And the said register of deeds shall appoint a deputy clerk, and said deputy clerk shall receive one thousand two hundred and fifty (\$1,250) dollars per annum, as salary; and a clerk whose salary shall be eight-three and one-third dollars per month, and an assistant whose salary shall be fifty dollars per month: *Provided*, that if it shall appear to said county commissioners to be necessary, additional clerk hire and assistants to said clerk, sheriff, auditor, treasurer and register shall be allowed, provided and paid for by the said board of commissioners out of the fund hereinafter created: *Provided*, that the premiums on bonds of said clerk and register shall be paid for by the county commissioners of said county out of the fund hereinafter created.

Salary of clerk superior court.

Salary of register of deeds.

Deputy clerks and salaries.

Proviso: additional assistants allowed by county commissioners.

Proviso: premium on bonds.

SEC. 6. The treasurer of Wake County shall receive a salary of two thousand dollars per annum as compensation for his services as treasurer: *Provided*, that the premiums on the bond or bonds of

Salary of treasurer.

Proviso: premium on bonds.

said treasurer shall be paid for by the county commissioners out of the fund hereinafter created.

Officers to perform duties.

SEC. 7. The officers hereinbefore mentioned shall perform all the duties of their several offices imposed on them by law and shall receive no other compensation or allowance whatsoever than that which is hereinbefore provided, for any extra or additional services rendered to the county, State or other governmental agency, and they and their several bonds shall be liable to all the pains and penalties that may now or hereafter be provided by law for failure to perform the duties of their several offices.

Further allowance forbidden.

Liability on bonds.

Account books.

SEC. 8. That the said sheriff, clerk, register and treasurer shall open and keep a separate set of account books in which shall be promptly and accurately entered itemized accounts of all fees, commissions, emoluments and moneys collected or received by said officers or which by law are or may be payable into their respective offices, and all of said books shall at all times be open to the inspection of the public upon demand and said books shall be safely and securely kept so as to prevent loss or destruction thereof.

Books open to inspection.

Funds kept separate.

SEC. 9. That all moneys coming into the hands of the treasurer of Wake County from the fees, commissions and emoluments of the several officers herein mentioned shall be held by him as a separate and distinct fund for paying the salaries and allowances provided in this act. The balance of said fund shall be quarterly paid by the treasurer of Wake County to the treasurer of the road fund and school fund of said county to be used on the permanent improvement of the roads and schools of Wake County. The balance of said fund shall be divided equally between the road fund and the school fund.

Payment of salaries.

Balance to road and school funds.

Salaries paid monthly.

SEC. 10. The salaries and allowances herein provided for shall be paid by the treasurer of said county upon warrants issued by order of the commissioners of Wake County, as required by law, in monthly installments.

Monthly settlements.

SEC. 11. The officers hereinbefore referred to shall turn over to the treasurer of Wake County all fees, commissions, emoluments and moneys coming into their hands, and shall make settlement with said treasurer within the first five days of each and every month; and the county commissioners may at any time require said officers or any of them to exhibit to them all books and accounts showing all moneys received and turned over to the treasurer under the provisions of this act.

Exhibit of books and accounts.

Failure to collect fees a misdemeanor.

SEC. 12. Any officer, clerk or assistant herein mentioned who shall willfully fail or refuse to collect full fees, commissions or emoluments of any kind belonging to his office shall be guilty of a misdemeanor.

Office of auditor created.

Salary of auditor.

SEC. 13. That the office of auditor of Wake County is hereby instituted and created; and the auditor of said county shall receive a salary of one thousand seven hundred and fifty dollars per annum,

and shall furnish bond in some bonding company in the sum of five thousand dollars, payable to the county of Wake, conditioned that he shall diligently, truly and faithfully perform all the duties of his office, and shall faithfully account for all penalties or any moneys or other things of value which may come into his hands by virtue of his office, and shall be liable for any negligence, default, malfeasance or misconduct in office; premiums of said bond to be paid by said county.

SEC. 14. It shall be the duty of the auditor of Wake County to make out one copy of the tax list of each township as a permanent copy, and to deliver the original copy to the tax collector of said county, and to supervise and direct the performance of all duties now required by law, of the register of deeds relative to the tax list and taxes; to make out and prepare for publication all annual statements required by law; to investigate and to inquire for all delinquent taxpayers, and to require all delinquent property, including polls, to be placed on the tax list; to keep a record of all real estate transfers, with prices paid for same; to instruct, direct and supervise tax listers and assessors, and also direct and supervise the listing and assessment of all property liable to taxation in said county, to act as accountant for the county, settling with the county officers; to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all the officers of Wake County which show fees and commissions collected and received by them; to examine at least twice each year the docketts of all justices of the peace and mayors of said county, and report his findings to said board of county commissioners; and he is hereby authorized to administer oaths on verification of claims which may be filed against the county, and county board of education of Wake County, and to open a set of account books in which shall be shown the total monthly receipts of fees and commissions of all the officers of said county in an expert and intelligent manner, assigning distinct and separate accounts for each and every of said officers, which book shall be permanently kept as the records of his office and always open to public inspection; he shall likewise, when so directed by the board of county commissioners, visit the county jail and other county institutions and examine the same, also the books and accounts kept by the jailer and others; it shall likewise be his duty to audit all bills and claims presented to the board of county commissioners of said county and the said board of education for payment, and no claim or bill filed with said board of commissioners or said board of education shall be allowed or paid until it has been audited by said auditor; and all warrants drawn upon claims or bills allowed by said board of commissioners or by said board of education shall be countersigned by said auditor before they shall be honored or paid by the treasurer of said county.

Bond.

Premium on bond.

Duties of auditor.

In connection with tax lists.

With reference to accounts of officers.

Accounts with officers.

Examination of county institutions.

Audit of bills and claims.

Warrants countersigned by auditor.

Purchase of supplies.

SEC. 15. That it shall be the duty of said auditor to familiarize himself with the market prices, and to assist in buying the supplies of said county, and he shall have full authority to purchase all supplies for said county whenever the said board of commissioners for said county shall so order.

Auditor named.  
Term of office.

SEC. 16. That Henry G. Holding be and he is hereby appointed auditor for said county of Wake for a term of two years beginning the first Monday in April, one thousand nine hundred and eleven, and ending the first Monday in April, nineteen hundred and thirteen: *Provided*, that if a vacancy shall occur in said office from any cause the said vacancy shall be filled for the unexpired term by the said board of commissioners for said county.

Proviso:  
vacancy.

Election and term  
of successor.

SEC. 17. That at the next general election for members of the General Assembly of North Carolina, an auditor for said county shall be voted for and elected, as near as may be under the same rules and regulations governing the election of members of the House of Representatives from said county, for a term of two years; said term of office to begin on the first Monday in April, one thousand nine hundred and thirteen, and continue until his successor shall have been elected and qualified. Said auditor shall hold office under the control and direction of the said board of commissioners for said county; and he shall open and keep an office to be selected and furnished by said board of commissioners for said county, in which shall be securely kept the records of his office.

Commissioners to  
furnish office.

Clerical  
assistance.

SEC. 18. That said board of commissioners for said county of Wake may, whenever they deem it necessary, provide for clerical assistance to said auditor and fix the pay for the same: *Provided*, the payment of the same shall be out of the funds arising from and under this act: *Provided*, the said county board of education of Wake County shall pay its pro rata part of the salaries and expenses of said auditor and his office.

Proviso: fund for  
payment.

Proviso: pro rata  
of board of  
education.

Repealing clause.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act  
effective.

SEC. 20. That this act shall be in force from and after the first Monday in June, one thousand nine hundred and eleven.

Ratified this the 1st day of March, 1911.

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#### CHAPTER 453.

### AN ACT IN REGARD TO THE SALARIES OF THE OFFICERS OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section six of chapter seven hundred and three of the Public Laws of one thousand nine hundred and five be

amended by striking out in line two of said section the words "two thousand one hundred" and by inserting in lieu thereof the words "two thousand four hundred." Salary of sheriff.

SEC. 2. That section eight of said chapter seven hundred and three of the Public Laws of one thousand nine hundred and five be amended by striking out in line two of said section eight the words "two thousand four hundred" and by inserting in lieu thereof the words "two thousand seven hundred," and by striking out in lines four and five of said section eight the words "nine hundred" and by inserting in lieu thereof the words "one thousand two hundred." Salary of clerk of superior court and deputy.

SEC. 3. That section nine of chapter seven hundred and three of the Public Laws of one thousand nine hundred and five be amended by striking out in line two of said section nine the words "two thousand one hundred" and by inserting in lieu thereof the words "two thousand four hundred." Salary of register.

SEC. 4. That section five of chapter nine hundred and forty-two of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed, and that section eleven of chapter seven hundred and three of the Public Laws of one thousand nine hundred and five be amended by striking out in line five of said section eleven the words "one thousand two hundred," and by inserting in lieu thereof the words "one thousand eight hundred." Salary of auditor.

SEC. 5. That in accordance with chapter seven hundred and three of the Public Laws of one thousand nine hundred and five as amended by this act, the sheriff of Buncombe County shall receive a salary of two thousand four hundred dollars per annum, the clerk of the superior court of Buncombe County shall receive a salary of two thousand seven hundred dollars per annum, the deputy clerk of the superior court of Buncombe county shall receive a salary of one thousand two hundred dollars per annum, the register of deeds of Buncombe County shall receive a salary of two thousand four hundred dollars per annum, and the auditor of Buncombe County shall receive a salary of one thousand eight hundred dollars per annum: *Provided, however,* the board of commissioners of said county may allow said auditor additional compensation not exceeding in all in any one year the sum of two thousand one hundred dollars. Recapitulation.

SEC. 6. This act shall relate and operate from and after the first Monday in March, one thousand nine hundred and eleven.  proviso: extra allowance to auditor.

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

Ratified this the 1st day of March, 1911. When act effective.

## CHAPTER 454.

AN ACT TO REQUIRE THE CLERK OF THE BOARD OF COMMISSIONERS OF ROCKINGHAM COUNTY TO INSTALL AND KEEP A SET OF BOOKS FOR THE COUNTY AND OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Books to be installed, kept and maintained.

SECTION 1. That the clerk of the board of commissioners of Rockingham County shall, within sixty days after the ratification of this act, install, keep and maintain a set of books showing the business affairs of Rockingham County, the income and receipts and disbursements of all funds in the county, showing all vouchers issued, and said books shall be kept in the register of deeds office of said county and shall be open to inspection at all times as all other public records of the county.

Books open to inspection.

Failure of clerk a misdemeanor.

SEC. 2. That any clerk of said board of commissioners who fails to comply with the provisions of section one of this act shall be guilty of a misdemeanor.

Employment of accountant authorized.

SEC. 3. That the board of county commissioners of Rockingham County are hereby authorized and empowered to employ an expert accountant or other competent person at any time to audit the books of any county officer, assist in the settlement with any county officer, assist in the listing and collection of taxes, auditing accounts against the county, or for any other purpose of like nature that said board of commissioners may deem necessary and advantageous to the county, and may pay reasonable compensation for such work.

Compensation.

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

Ratified this the 1st day of March, 1911.

## CHAPTER 455.

AN ACT TO INCREASE THE PENSIONS OF CONFEDERATE SOLDIERS AND THE WIDOWS OF SUCH IN JACKSON COUNTY, AND TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO LEVY A SPECIAL TAX THEREFOR.

*The General Assembly of North Carolina do enact:*

Special tax authorized.

SECTION 1. That the board of commissioners of Jackson County be and they are hereby authorized and empowered for each and every year to levy a special tax at the same time and in the same manner with the levies of other county taxes of not exceeding five cents on the one hundred dollars valuation of property and fifteen

Rate.

cents on each taxable poll, the constitutional equation between property and poll to be observed each year. Constitutional equation.

SEC. 2. Such tax shall be collected and accounted for by the sheriff or other tax collector in the same manner and under the same penalties as other taxes levied for said county and the net proceeds thereof shall be applied each and every year to increase pro rata the pensions of such persons as stand upon the Confederate pension roll of Jackson County for the year for which such tax is levied. Collection of tax. Application of proceeds.

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

Ratified this the 3d day of March, 1911.

### CHAPTER 456.

AN ACT TO REVISE AND CONSOLIDATE THE ROAD LAW OF THE SEVERAL TOWNSHIPS IN RICHMOND COUNTY, TO PROVIDE FOR THE LEVYING OF A SPECIAL TAX FOR ROAD PURPOSES AND TO AUTHORIZE THE BOARD OF COMMISSIONERS TO RE-ESTABLISH A CHAIN GANG.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Richmond County shall, on the first Monday in the month of June, one thousand nine hundred and eleven, and annually thereafter, levy a tax of not less than fifteen (15) cents and not more than (40) cents on the one hundred dollars valuation of all property subject in Rockingham, Mark's Creek, Wolf Pit and Beaver Dam townships, said county, to taxation, and forty-five (45) cents and not more than one dollar and twenty (\$1.20) cents on each and every poll subject to poll tax in said townships; and shall levy a tax of not less than fifteen (15) cents and not more than fifty (50) cents on the one hundred dollars valuation of all property subject in Steele's, Mineral Springs and Black Jack townships, said county, to taxation, and forty-five (45) cents and not more than one dollar and fifty (\$1.50) cents on each and every poll subject to poll tax in said townships in Richmond County, which said taxes shall be collected in the same manner as the other taxes are collected for State and county purposes, and shall be kept separate and apart in the tax books of said county from other taxes, and shall be known as the "road fund," to be used only in the construction, improvement and maintenance of the public roads of said county, and in the purchase of material, implements, teams, wagons, camp outfits and quarters or stockades for the use and safe-keeping of the conviet force. Levy of special tax directed. Rate. Townships affected. Rate. Townships affected. Taxes kept separate as road fund.

SEC. 2. That there shall be elected by said board of commissioners at this regular meeting in April, one thousand nine hundred and Election of superintendent of roads.

Compensation.	eleven, and annually thereafter, a competent superintendent of roads, skilled in the modern methods of road building, and who shall be paid a just and reasonable compensation to be fixed by said board of commissioners of not more than twelve hundred dollars per year, to be fixed by the said board of commissioners of said county; and said superintendent of roads may at any time be
Power of removal.	removed from office by said board of commissioners, after having been given ten days notice and a hearing, when in the opinion of said 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 other than may be necessary to give him a hearing; and said board of commissioners shall have power
Vacancy.	to fill any vacancy in said office of superintendent of roads that may occur by removal, resignation, death, or otherwise, for the
Bond of superintendent.	unexpired term of said office. And said superintendent of roads, before entering upon the duties of his office, shall deposit with said board of commissioners a good and lawful bond to be approved by said board of commissioners for the sum of two thousand dollars, as a guarantee of the faithful and honest discharge of the duties of his office, and for the safe keeping and return of all property entrusted to his care—unavoidable accidents only excepted—which bond shall be duly registered in the office of the register of deeds, and filed for safe keeping with the clerk of the superior court of said county.
Duty of superintendent.	SEC. 3. That it shall be the duty of said superintendent of roads to give his entire time to building, directing, maintaining, supervising and repairing the public roads of the county, and he shall have—subject to the approval of said board of commissioners—charge of, supervision, maintenance and direction of the building of all public roads in said county, including the supervising of the convict force, and shall submit a written monthly report concerning the work and progress, and shall submit semi-annually a written report on the condition of the public roads and bridges of the said county, and also plans for their improvements, which said semi-annual reports shall include an inventory of the tools, implements, teams and other property and equipments on hand belonging to the county for road purposes. The said superintendent of roads shall have direct charge, control and management of maintaining and keeping in good repair all the roads of said county, and it shall be his duty to maintain, repair and keep in good condition all the said roads, either with work by convict force or by employing some one under his direction to repair and maintain the same. And the board of commissioners of said county shall furnish to the superintendent of roads as soon as convenient, all necessary machinery to build and keep in good repair the roads, and also a road machine and other necessary machinery to build and maintain good roads
Monthly reports.	
Semi-annual reports.	
Inventories.	
Maintenance and repair of roads.	
Machinery.	

for each township, in said county. And if the superintendent of roads, or the supervisors of roads, if appointed as in hereafter mentioned, shall let by contract any or all of the public roads of the townships, he or they shall take into consideration the furnishing of such road machinery as the board of commissioners may have or may hereafter provide for the building and repairing the public roads, and make their contracts accordingly.

Use of machinery  
in contract work.

SEC. 4. The board of county commissioners may provide for the superintendent of roads an office where he shall file copies of all correspondence, letters, contracts, proposals, plats, and survey of roads, and shall keep an accurate record of all accounts and contracts with the supervisor or any other person who is dealing with the said board of commissioners in matters relating to the public roads of said townships. The said superintendent of roads may set apart at least one day in every week when he shall be in his office to attend to such road matters as may come before him, and the remainder of the time the said superintendent shall either be supervising the building of the public roads of said county or directing the management of the convict force and making provisions therefor. The said superintendent of roads shall not purchase any provisions, material or other things for the building and repairing of the roads of the said county or any provisions for the convict force from himself or from any firm or corporation in which he may have an interest or hold any stock, nor shall the said superintendent of roads hire or employ his own teams to do any work for the county or upon the public roads thereof. Any superintendent of roads violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court.

Office to be fur-  
nished.

Record.

Office days.

Personal interest  
in contracts  
forbidden.

Misdemeanor.

Punishment.

SEC. 5. That the said board of commissioners, or the superintendent of roads subject to the approval of said board, shall appoint, with power to remove at any time, such guards or other employees as may be needed to take charge of the convict force; the said guards and employees shall be paid such per diem compensation for services rendered as may be fixed by said superintendent of roads and approved by said board of commissioners.

Guards and other  
employees.

Compensation.

SEC. 6. The said board of commissioners, or the superintendent of roads subject to the approval of the said board, if it shall be deemed advisable, shall appoint one person in each township to be known as township supervisor, who shall be under the control and orders of the superintendent of roads, and it shall be the duty of said supervisor to divide the public roads of his township into sections of not less than one mile and not more than ten miles; and he shall furnish plats of all such sections of public roads so divided, with the culverts and bridges mentioned thereon, to the superintendent of roads to be filed in his office, and it shall also be his duty, with the approval of the superintendent of roads, to let by

Township  
supervisors.

Division of roads  
into sections.

Plats of sections.

Roads let to  
contract.

contract at a fair and reasonable price, for a period of one year, to the best bidder, the building, maintaining and keeping in good repair the different sections of public roads in his township, or in case a new public road is ordered opened by the board of commissioners of said county, it shall be his duty to let out the said contract as above mentioned. The said bidder or bidders, to be known hereafter as contractor or contractors, shall not begin work or receive any pay from the board of commissioners of the county for any work until he or they shall enter into a written contract in the name of the board of commissioners of Richmond County to build, maintain and keep in good repair free from holes, ruts and dangerous places, and also well drain with good crown upon the road, the sections of public roads being so contracted for, and also to keep in good repair the bridges thereon free from any dangerous places and giving to the road the usual width required by law. The said contractor or contractors shall also furnish at the time of signing said contract a good and sufficient bond in the sum of one hundred dollars, or a larger amount if the contract may warrant same in the estimation of said board of commissioners, to the board of commissioners of Richmond County to faithfully discharge the duties mentioned in his contract and as required of him or them by law; and if the said contractor or contractors shall fail to discharge the duties mentioned in said contract, or as required of him or them by law, the said board of commissioners shall have a right to recover the amount mentioned in his said bond in any of the courts of Richmond County. The superintendent of roads upon accepting the above mentioned contracts shall write his approval therein and file same with the register of deeds of Richmond County, and the said contracts shall be binding upon said county when approved by said board of commissioners. The supervisor shall, from time to time, as he may be directed by the superintendent of roads, view the section of public roads so contracted for, and as the building of said roads so contracted for progresses under the contracts so let, the said supervisor shall give an order to the superintendent of roads for payment of such amounts of money as to him may seem to be due for the work so conducted, and for no more. And if the superintendent of roads shall, upon examination of said order, find the same correct and due for work already completed under the contract so made, he shall endorse said order and send same to the board of commissioners for payment. The said supervisor shall be paid for the time actually engaged in letting the contracts for the building and repairing of the public roads of their respective townships and for inspecting the public roads as they may be directed by the superintendent of roads the sum of not more than three dollars per day. Said accounts shall be itemized, signed and certified as correct by said supervisor, and be examined and endorsed by the superintendent of roads before payment.

Written contracts.

Bond of contractors.

Recovery on bond.

Approval of contracts.

View of work.

Payments on contracts.

Endorsement of superintendent.

Pay of supervisor.

Accounts.

SEC. 7. The board of commissioners or the superintendent of roads with the approval of the board of commissioners, shall have the right, if it shall be deemed advisable, to direct the supervisor as before mentioned to build, maintain and keep in good repair the public roads of his township by employing laborers, teams and necessary machinery to do the work on the public roads of the respective townships of said county. It shall be the supervisor's duty to keep the public roads of his township free from all holes, ruts and dangerous places and well drained, with a good crown on same, and keep the bridges in good repair, and while he is working said public roads it shall be the duty of the superintendent of roads to visit, supervise, direct and control said road works at all times; and it shall be his duty, subject to the approval of the board of commissioners, to fix the price to be paid for labor and teams and other necessary expenses in repairing and maintaining said public roads; and he shall at all times govern and have control of the supervisor in building, maintaining and keeping in good repair the public roads of said townships. The supervisor shall give a good and sufficient bond in the sum of three hundred dollars, to be payable to the board of commissioners of Richmond County, for the faithful discharge of his duty, and if he shall fail to discharge his duty according to law, the said board of commissioners shall have the right to recover the amount in any of the courts of Richmond County. The board of commissioners of said county shall have the right to fix the compensation for the supervisors of the various townships, which shall not be more than three dollars per day. The said supervisors shall not employ their own teams for working the public roads or purchase any material for road building from themselves, unless they first notify the superintendent of roads of the use of their own teams, and that other teams could not be had for the use so mentioned. If any supervisor shall fail and be willfully negligent and careless in the discharge of his duties as such supervisor as required by law, or fail to obey the provisions of this section, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at the discretion of the court.

SEC. 8. The said supervisors shall keep a correct and accurate record of the contracts and accounts made and shall furnish to the superintendent of roads, an itemized statement of all laborers and teams hired, and the price per day for each, and also a statement of all material purchased and the price paid for same, which statement shall be duly signed by the said supervisor as being just and correct. The superintendent of roads, if approving said itemized statements, shall sign them and send them to the board of commissioners of said county for payment. The said board of commissioners, if upon examination and inspection of said accounts and contracts for hire or labor, and teams and for material furnished for the building and maintaining the various roads in said county find

Road work by hired labor.

Road work.

Duty of superintendent.

Bond of supervisor.

Recovery on bond.

Compensation of supervisors.

Hiring teams and purchase of material.

Neglect of duty a misdemeanor.

Punishment.

Record of contracts and accounts.

Itemized statements.

Approval by superintendent.

Order for payment.

the same correct and no overcharges made thereon, they shall order payment thereof and keep a separate account of same.

Bridges let to contract.

SEC. 9. The superintendent of roads, with the approval of said board of commissioners, if deemed advisable, shall have the right and authority to enter into a contract with any one who will take the contract at a fair and reasonable price, for the building, maintaining, and keeping in repair and free from dangerous places, well drained, and with a good crown thereon, and keeping in good condition the bridges of any or all of the public roads in the different townships of said county. The said contractor, before entering upon his work or receiving any pay for same, shall enter into a written contract in the name of the board of commissioners of Richmond County to keep in good repair, free from all holes, ruts and dangerous places, with a good crown on same and well drained, and keep bridges and culverts in good repair, any section of public road so contracted for; and he shall also furnish a good and sufficient bond in the sum of two hundred dollars, payable to the commissioners of Richmond County, to faithfully carry out his contract and discharge the duties as imposed upon him by law as contractor for building roads in Richmond County, and if he shall fail to keep said public roads in the condition as required by his contract and by law, the said board of commissioners shall have a right to proceed to collect said amount of two hundred dollars in any of the courts of Richmond County. No payment upon said contract shall be made by the board of commissioners of said county until the work upon the roads so contracted for shall be actually done and certified to by the superintendent of roads.

Written contracts.

Bond of contractors.

Collections on bond.

Payments on contract.

Prisoners to be worked on roads.

SEC. 10. That all persons confined in the county jail under a final sentence of court for crimes, or imprisoned for non-payment of costs or fines, or under final judgment in case of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned for non-payment of costs, all persons who shall be sentenced to the State prison for a term of not more than ten years, may be worked on the public roads of the county, as provided in chapter two hundred and ninety-nine, Public Laws of one thousand nine hundred and seven, and all such convicts shall be fed, clothed and otherwise cared for at the expense of said "road fund": *Provided*, that in case of serious physical disability, certified by the county physician, persons convicted in any court may be sentenced to the State prison or county jail.

Care and maintenance.

Proviso: physical disability.

Convicts from other counties.

SEC. 11. That the said board of commissioners are hereby authorized to accept convicts from other counties of the State sentenced by the superior court judge, whenever in their judgment it is deemed advisable to do so, and the cost of transporting and maintaining such convicts or prisoners shall be paid from said "road fund."

Cost of transportation and maintenance.

Power to hire out convicts.

SEC. 12. In the event the said board of commissioners shall at any time find it unprofitable, by reason of an insufficient number or otherwise, to continue to work the convicts sentenced to the

roads of said county the board of commissioners of Richmond County are authorized and empowered to hire the said convicts to the county commissioners, or good roads authorities, of some other county in the State or to the town authorities of any incorporated town in Richmond County.

SEC. 13. That for the purpose of carrying out the provisions of this act the said superintendent of roads and supervisors after first consulting the owner and agent of the land from which material for repairing roads is gotten, are hereby authorized to enter upon any lands near to or adjoining any public road to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road; to enter on any land adjoining or lying near the road in order to make such drain or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands or 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 nearest ditch, drain, water course or waste ground and shall be kept open by said township supervisor, and shall not be obstructed by the owner or occupant of such lands or by any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars or imprisoned or worked on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, which said penalty shall be enforced and collected by said board of commissioners in the manner prescribed by law for the enforcement and collection of other penalties for violation of law, and said penalties when collected shall be paid over to the county treasurer and credited to said "road fund."

Entry on land for material.

Drains or ditches.

Penalty for obstructing drains or ditches.

SEC. 14. That if any owner of any lands or the agent or agents of such owner having in charge lands for which timber, stone, gravel, sand or clay was taken as aforesaid, shall present an account of the same to the superintendent of roads or township supervisor to said board of commissioners, it shall be the duty of said board to pay a just and reasonable price for the same; and any owner, agent or agents of such owner, shall have the right to appeal from the action of said board to the superior court.

Accounts for material.

Right of appeal.

SEC. 15. The superintendent of roads shall have the authority and power to locate, relocate, widen or otherwise change any public road, or parts of the same, or lay out and establish any new public road when in his judgment such location, relocation, widening or other change or the opening of a new public road is deemed necessary and advantageous to public travel; and he shall have the further right to abandon and discontinue any public road if the same is unnecessary and not advantageous to public travel, but the

Power to locate and change roads.

Power of discontinuance.

- Petition. said superintendent of roads, before locating, relocating or changing any public road or establishing a new public road, shall file a petition signed by himself or some person interested therein, before the board of commissioners of said county stating the changes, location, relocation of any public road or the plat for the establishment and opening of a new public road, with a survey of same by the county surveyor or other competent engineer, with the estimated cost of building and opening said road and the number of culverts and bridges thereon; and he shall further state that said changes, locations, relocations or opening of a new public road are necessary and advantageous to public travel. The said superintendent shall also give to the landowner or landowners on and over whose lands any changes, location or relocation of any public road or the establishment of any new public road are to be made, or the discontinuing or abandoning of any public road, at least twenty days notice of the time and place of hearing of said petition by the said board of commissioners.
- Notice to land-owners. SEC. 16. The board of commissioners upon hearing the petition so filed, stating the changes, location or relocation of any public road, or the establishment or opening of any new public road, or that any public road should be discontinued and abandoned shall make an order granting or refusing the relief therein asked, as they shall deem best. If the order is made granting the change, location or relocation of any public road or opening and establishing a new road, such order shall be a condemnation of the land or lands mentioned and described in the petition and survey filed therein, or such part thereof as shall be fully set out in the order: and the superintendent of roads is hereby authorized to open the public road so granted as provided by law. If the order is for discontinuing and abandoning the public road, the said road described in the order shall be discontinued and abandoned, any person owning land on or over which said changes are made, or said public road is discontinued and abandoned, shall have the right of appeal to the superior court of Richmond County for a trial *de novo* of the matters set out in said petition, but he shall give a good and sufficient bond for the costs as in like cases of appeal; but the taking of said appeal shall not delay the changing, locating or relocating of any public road, or the discontinuing or abandoning of any public road according to the terms of the order made therein by the said board of commissioners unless the same be reversed by the trial in the superior court.
- Hearing and order. SEC. 17. Any person who shall obstruct the county surveyor or civil engineer in making a survey for the changing of a road, or the opening of a new road, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both in the discretion of the court; and any person or persons who shall obstruct any one authorized by this section for opening said change
- Effect of order.
- Right of appeal.
- Bond on appeal.
- Effect of appeal.
- Obstructing survey a misdemeanor.
- Punishment.
- Obstructing work a misdemeanor.

in road or new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court; and it is hereby made the duty of the solicitor to prosecute all offenses against the provisions of this section, and if after the changing, locating or relocating of any public road or opening and establishing any new public road, any persons be aggrieved, and if he and the superintendent of roads, with the approval of the board of commissioners of said county, can not agree and fix the amount of damages, if any, for the changing, locating or relocating of any public road or opening and establishing any new public road, he may then, within sixty days after the completion of said change, location or relocation of the public road, or the opening and establishing of a new public road, apply to the clerk of the superior court, who shall appoint a jury to consist of five freeholders to assess the damages and the said jury in determining said damages shall take into consideration the benefits made to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict, and the said damages, if allowed shall be paid out of the general road fund of the county; and if the jury award no more damages than the amount offered by the said board of county commissioners then the party aggrieved shall pay all costs for making said assessment of damages: *Provided, further*, that the board of commissioners or the persons so aggrieved shall have the right of appeal to the superior court after giving good and sufficient security for costs.

SEC. 18. That in case any public road shall be the dividing line between two or more townships, it shall be the duty of the superintendent of roads, or township supervisors of the townships so divided, to apportion the said road between the different townships in a just and equitable manner.

SEC. 19. That all disbursements of said road fund shall be made by order upon the county treasurer, issued by said board of commissioners, the superintendent of roads and township supervisors, and no order issued by said superintendent of roads and township supervisor shall be paid unless approved by said board of commissioners; and said board of commissioners in the disbursement of said road fund shall deal in an equitable manner with all of the townships of the county. And any superintendent of roads or township supervisors who shall, under any pretense whatever, approve of any order for material not received, or services not rendered, shall be guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court. The board of commissioners shall have the right to make such inducements for the use of wide tire wagons upon the public roads of said townships by offering a payment of so much per wheel as it may seem just for the use of same by any one, or by allowing a certain discount in the road tax, to be fixed by the said board of commissioners. The width of the public roads

Punishment.  
Solicitor to  
prosecute.

Procedure for  
assessment of  
damages.

Proviso: right of  
appeal.

Apportionment of  
roads on township  
lines.

Orders for  
disbursement of  
road funds.

Fraudulent appro-  
val a  
misdemeanor.

Punishment.

Inducements for  
use of wide tires.

Width of roads.

shall be such width as the road authorities may deem practicable for the convenience of the traveling public, and in no case shall they be less than twenty feet in width.

Meeting of supervisors for instructions.

SEC. 20. That it shall be the duty of the township supervisors to meet on the first Saturday in May and the first Saturday in November of each year, in the court-house at the hour of ten o'clock, a. m., in the town of Rockingham, to receive instructions from said superintendent of roads (who shall preside at each meeting) upon the best methods of construction and the keeping in repair of the public roads of their respective townships, and for the discussion of such other matters appertaining to their duties as supervisors; and any supervisor who shall fail to attend such meetings may be removed by the said board of commissioners, or the superintendent of roads, unless a good and valid excuse shall be given for such absence.

Removal for failure to attend.

Moneys to credit of road fund.

SEC. 21. That all money in the hands of the county treasurer on the first Monday in the month of April, one thousand nine hundred and eleven, to the credit of the road fund of the several townships of the county shall remain to the credit of said townships, to be expended under the supervision of the road authorities created by this act, for the construction and repair of the public roads of said townships, each township to bear its pro rata share of expenses, and all debts contracted by the several townships prior to April first, one thousand nine hundred and eleven, shall be and remain a separate charge against said townships.

Debts outstanding.

Power to borrow money.

SEC. 22. The board of commissioners of Richmond County are authorized and empowered to borrow money when necessary, for the maintenance of the public roads of the county and refund the same out of the taxes collected for road purposes.

Meetings of county commissioners.

SEC. 23. The board of commissioners of Richmond County may hold meetings at such time as may be necessary to attend to the duties imposed by this act, and the members shall be paid the same per diem and mileage as they receive as county commissioners.

Road work for non-payment of poll tax.

SEC. 24. Any resident of said county, liable to poll tax under the general law, who shall fail to pay his road poll tax on or before the first day of May next after the same shall have been levied, shall be liable to work six days on the public roads of the township wherein he resides, under the supervision and control of the public road authorities thereof, for every such omission and failure. It shall be the duty of the sheriff to furnish the superintendent of roads, on or before the first day of June in each year, a list of all persons in said townships who have failed to pay said tax for the preceding year, and the superintendent of roads or the township supervisor shall notify such person or persons, either orally or by leaving a written notice at the residence or place of business, to attend and work on said public roads, as herein provided. And any person so liable who shall, after being notified, fail or refuse to at-

Lists to be furnished by sheriff.

Notice to delinquents.

tend and work on said public roads, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars, or imprisoned at hard labor, upon the public roads of said townships for not less than ten nor more than thirty days.

Failure to attend and work a misdemeanor.  
Punishment.

SEC. 25. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 26. This act shall be in force and effect from and after the first, one thousand nine hundred and eleven.

When act effective.

Ratified this the 3d day of March, 1911.

CHAPTER 457.

AN ACT RE-ENACTING CHAPTER FOUR HUNDRED AND FIFTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AUTHORIZING THE COMMISSIONERS OF SCOTLAND COUNTY TO ISSUE BONDS TO BUILD PUBLIC ROADS IN LAUREL HILL AND SPRING HILL TOWNSHIPS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and fifty-one, Public Laws of one thousand nine hundred and nine, be and the same is hereby re-enacted so as to apply to Laurel Hill and Spring Hill townships:

Law re-enacted.

*Provided*, that the election provided for in section three of said chapter shall be held in either of said townships at any time within two years, upon a petition to the county commissioners, signed by one-fourth of the qualified voters in such township, whose duty it shall then be to call said election and fix date of same, and provided that the amount of bonds provided for in said chapter four hundred and fifty-one for Laurel Hill shall be thirty thousand dollars instead of twenty thousand dollars and the amount for Spring Hill shall be twenty thousand dollars instead of ten thousand dollars. No defect in the said petition shall operate to invalidate bonds issued in accordance with this act and chapter four hundred and fifty-one, Public Laws one thousand nine hundred and nine as re-enacted.

Proviso: petition for election.

Proviso: amount of bonds.

Defeat of petition not to invalidate bonds.

SEC. 2. That this act shall not repeal any law as the same applies to Stewartsville and Williamson townships in Scotland County.

Limit of effect of act.

SEC. 3. That all laws in conflict with act as it applies to Laurel Hill and Spring Hill townships, Scotland County, are hereby repealed.

Laws repealed.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 458.

AN ACT TO AMEND SECTION 3778 OF THE REVISAL OF 1905,  
RELATING TO DAMAGE OF ROADS BY HAULING LOGS OR  
WOOD.*The General Assembly of North Carolina do enact:*Lumber haulers to  
repair damages.

SECTION 1. That section three thousand seven hundred and seventy-eight of The Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting in line three after the word "logs" and before the word "or" the words "commercial lumber."

Application of act.

SEC. 2. That this act shall apply only to Duplin County.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 459.

AN ACT TO CREATE AND ESTABLISH AN AUDITOR'S OFFICE  
IN EDGECOMBE COUNTY.*The General Assembly of North Carolina do enact:*

Office created.

SECTION 1. That the office of auditor for Edgecombe County is hereby instituted and created; and the auditor of said county shall receive a salary, the same to be fixed by the board of county commissioners, and shall furnish bond in some bonding company in the sum of five thousand dollars, payable to the county of Edgecombe, conditioned that he shall diligently, truly and faithfully perform all the duties of his office, and that he shall be responsible for all penalties or any moneys of other kinds which may be recoverable against him for any negligence, default, malfeasance or misconduct in office, premiums of said bond to be paid by said county.

Salary.

Bond.

Responsibility.

Copies of tax  
list.

SEC. 2. It shall be the duty of the auditor of Edgecombe County to make out one copy of the tax list of each township as a permanent copy, and to deliver the original copy to the tax collector of said county, and to perform all duties required by section seventy-four of chapter five hundred and ninety of the Public Laws of one thousand nine hundred and five, of the register of deeds, to make out and prepare for publication all annual statements required by law, to investigate and to inquire for all delinquent taxpayers and to require all delinquent property, including polls, to be placed on the tax list; to keep a record of all real estate transfers, with prices paid for same, to instruct tax listers and assessors; to act as ac-

Enumeration of  
duties.

countant for the county, settling with the county officers; to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all the officers of Edgecombe County which show fees and commissions collected and received by them; to examine at least twice each year the dockets of all justices of the peace and mayors of said county; and he is hereby authorized to administer oaths on verification of claims which may be filed against the county, and to open a set of account books in which shall be shown the total monthly receipts of fees and commissions of all of the officers of said county in an expert and intelligent manner, assigning distinct and separate accounts for each and every of said officers, which book shall be permanently kept as the records of his office and always open to public inspection; he shall likewise visit the county jail and other county institutions and examine same, also the books and accounts kept by the jailer and others; it shall likewise be his duty to audit all bills and claims presented to the board of county commissioners of said board of commissioners shall be allowed or paid until it has been audited and approved by said auditor; and all warrants drawn upon claims or bills allowed by said board of commissioners shall be countersigned and approved by said auditor before they shall be honored or paid by the treasurer of said county.

Accounts books.

Books open to inspection.

Further enumeration of duties.

Audit and approval of claims.

SEC. 3. That it shall be the duty of said auditor to familiarize himself with the market prices, and to assist in buying the supplies of the county.

Purchasing agent.

SEC. 4. That the auditor of Edgecombe County shall be appointed by the board of commissioners of said county, and shall hold office under the control and direction of the said board of county commissioners, and he shall open and keep an office to be selected and furnished by the board of commissioners of said county, in which shall be safely and securely kept the records of his office.

Appointment and term of office.

Office.

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

Ratified this the 3d day of March, 1911.

#### CHAPTER 460.

#### AN ACT TO REGULATE FISHING IN WACCAMAW RIVER AND ITS TRIBUTARIES.

Whereas, the supply of fresh water fish is being rapidly depleted in the Waccamaw River by the use of set-hooks and the continual use of nets, and it is desirable to preserve the supply, and various petitions have been made from the counties of Brunswick and Columbus, now therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

- Set-hooks and fish-traps forbidden. SECTION 1. That it shall be unlawful for any person or persons to set, place, or keep fished any set-hooks or fish-trap of any character or design in the waters of the Waccamaw River and its tributaries: *Provided*, that this section shall not be construed to prevent the fishing with hook-and-line when held and fished by the person fishing.
- Proviso: fishing with hand lines.
- Open season for nets and seines. SEC. 2. That it shall be unlawful for any person or persons to set and fish net, gill net or seine in the waters of the Waccamaw River or its tributaries except during the months of December, January and February.
- Violation of act misdemeanor. SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days.
- Punishment.
- Limit of application. SEC. 4. That this act shall not apply to that body of water in Columbus County known as Lake Waccamaw.
- SEC. 5. That all laws in conflict with the provisions of this act are hereby repealed.
- Ratified this the 3d day of March, 1911.

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 CHAPTER 461.

 AN ACT TO ENCOURAGE THE EARLY PAYMENT OF TAXES  
 IN CRAVEN COUNTY.
*The General Assembly of North Carolina do enact:*

- Power to allow discounts. SECTION 1. That the board of county commissioners of Craven County and the board of aldermen of the city of New Bern shall have the authority to allow the following discounts upon the regular State and county and city taxes respectively, levied in said county and city as hereinafter provided: First, in all cases where the full amount of all State and county and city taxes, due by any taxpayer, shall be paid during the months of September and October of the fiscal year in which the same are due, a discount of two (2) per cent of said taxes may be allowed the said taxpayer; second, in all cases where the full amount of said taxes is paid during the months of November and December of the fiscal year in which said taxes are due a discount of one (1) per cent of said taxes may be allowed to said taxpayer.
- Payments in September and October.
- Payments in November and December.
- State tax not discounted. SEC. 2. That no discount allowed by the board of county commissioners of Craven County, as provided in the preceding section, shall have the effect of relieving said county of any portion of the tax due the State of North Carolina in any case where a discount has been allowed to any taxpayer; but settlement shall be made

with the State Treasurer in the same manner as if no discount had been allowed to any taxpayer.

SEC. 3. That the discount upon taxes provided in the first section of this act, shall be given and allowed, only upon condition that the board of county commissioners of Craven County and the board of aldermen of the city of New Bern, respectively, shall pass an order at some regular meeting between the first Monday in June and the first Monday in September of the fiscal year in which said taxes are due, said order providing, that the discount be allowed, and directing the tax collectors of Craven County and said city to allow same.

Order for allowance of discount.

SEC. 4. *Provided*, that nothing in this act shall be so construed as to nullify the existing law relating to the levying and collection of taxes in Craven County and said city.

Proviso: construction of act.

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

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 462.

#### AN ACT TO AMEND THE ROAD LAW IN LINCOLN COUNTY IN RELATION TO STREETS OF IRON STATION.

*The General Assembly of North Carolina do enact.*

SECTION 1. That the public streets of the town of Iron Station in Lincoln County are hereby declared to be a part of the public road system of the said county, and as such shall be worked out of the public road fund available for use in said township and as other public roads are worked in Ironton Township.

Streets part of road system.

Worked as other roads.

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 this the 3d day of March, 1911.

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#### CHAPTER 463.

#### AN ACT TO ESTABLISH THE STOCK LAW IN A PART OF DUKE TOWNSHIP, HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the first day of March, one thousand nine hundred and twelve, it shall be unlawful for any owner

Allowing stock to run at large forbidden.

of any horse, mule, sheep, swine, goat, or other cattle of any kind or description, to permit the same to run at large in or upon the lands of any other within the district hereinafter described in section two of this act.

Boundary of territory.

SEC. 2. That this act shall apply to only that part of Duke township embraced within the following described district, to wit: Beginning a point on the Cape Fear River where the Erwin Cotton Mills Company's wire fence begins on said river, and runs with said wire fence in a northwesterly direction to the township line, and thence with the township line to a point at or near Black River, thence with and on the west side of Black River to the corner of Duke Township, thence with the township line to the Cape Fear River, thence up the Cape Fear River to the beginning.

Fence commissioners named. Powers of commissioners.

SEC. 3. That W. D. Barnes, E. W. Smith, and Wilson H. Lucas, be and they are hereby elected fence commissioners, with power to contract with any person or persons to erect and maintain a good and lawful fence, enclosing the district of the territory described in section two of this act, and to keep or cause the same to be kept in good repair, and to have gates placed across public roads, when and where it may be necessary. That the said commissioners shall hold their office for two years from the day this act goes into operation, and every two years thereafter, on the first Monday in January of each year the county commissioners shall elect three commissioners for this district, and the said county commissioners are hereby empowered to fill any and all vacancies that may occur on said board of fence commissioners from any and all causes.

Term of office.

Election of successors.

Vacancies.

Annual reports and estimates.

SEC. 4. That it shall be the duty of said fence commissioners to report annually at the January meeting of the board of county commissioners, the condition of the said fence and gates, the cost of building, maintaining and repairing the same from the preceding year, and estimate and report what sum of expenditure is necessary to keep said fence and gates in repair for the succeeding year. And it shall be the duty of said board of county commissioners to levy a tax sufficient to meet such expenditures, upon the lands within the boundaries of said district; each acre of land valued alike, and the taxes so levied shall be collected by the sheriff of Harnett County, at the same time and in the same manner and under the same regulations as are now provided for the collections of State taxes, and he shall pay over same to the chairman of the fence commissioners.

Levy and collection of tax.

Election and duties of chairman.

SEC. 5. That the said fence commissioners shall elect one of their number 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 duties that may be prescribed by the said fence commissioners.

Bond of chairman.

That the said chairman shall execute a justified bond in the sum of three hundred and no one hundredths, payable to the State, on

behalf of said fence commissioners, conditioned upon the faithful performance of the duties of the said office. That upon any good cause shown, the county commissioners of Harnett County may, at any time, remove the chairman of the said fence commissioners. Power of removal.

SEC. 6. That if any live stock shall be found running at large in this district, it shall be lawful for any person living in said district to take up and impound said live stock, and after five days notice, by any justice of the peace in the township in which the territory is situated, 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 if the owner of said live stock can not be found, pay said surplus to the chairman of the fence commissioners, to be applied to the keeping up the fence and gates: *Provided*, that if the owner of such live stock so impounded shall pay to the party so impounding the same the fees and costs now allowed by law in case of strays, then the same shall be released and delivered to the owner. Stock taken up and impounded.  
Sale.  
Disposition of proceeds.  
Proviso: release of 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 said gates open. And any person violating this section shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court. Acts constituting misdemeanor.  
Punishment.

SEC. 8. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned in the discretion of the court. Violation of act misdemeanor.  
Punishment.

SEC. 9. That this act shall be in force on and after the first day of March, one thousand nine hundred and twelve. When act effective.

Ratified this the 3d day of March, 1911.

#### CHAPTER 464.

#### AN ACT TO AUTHORIZE THE COUNTY OF NEW HANOVER TO ISSUE BONDS FOR SCHOOL BUILDINGS AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of commissioners of New Hanover County in order to provide for the erection, construction and repair of suitable and permanent schoolhouses in said county necessary for the accommodation of the children of said county, be, and it is hereby authorized and directed, when requested by the board of education of said county, to submit to a vote of the qualified electors of said county the question "Shall New Hanover County issue its coupon bonds not to exceed the sum of one hundred and seventy-five Election to be ordered.  
Question to be voted on.

- thousand (\$175,000) dollars, and levy a special tax for public school improvements in said county?" Said board of commissioners shall, for at least thirty days preceding said election, give public notice of the time and places for holding said election and the purposes thereof, by publication in one or more newspapers published in said county.
- Law governing election.      SEC. 2. That said election shall be held and conducted in the same manner as prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that said board of commissioners shall order a new registration and appoint the registrars and judges of election. That the vote shall be counted at the close of the polls and returned to said board of commissioners on the second day next after said election, and said board of 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.
- Proviso: new registration.
- Election officers.      SEC. 3. That at said election the ballots shall have written or printed upon them the words, "For public school bonds," or "Against public school bonds." All qualified voters who favor the issue of bonds and the levy of the special tax shall vote "For public school bonds." All qualified voters who are opposed thereto shall vote "Against public school bonds."
- Count and return of vote.
- Canvass of returns.
- Ballots.      SEC. 4. In the event that the requisite majority of the qualified electors of said county shall vote "For public school bonds" at said election, the board of commissioners shall, upon the demand of the board of education, have prepared and issued bonds in denomination 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 a rate of interest not exceeding five per centum per annum, with interest coupons attached, payable semi-annually on the first days of January and July of each year during the time of their running, and the principal thereof shall be payable or redeemable at said time or times, not exceeding fifty years from the date of issue, as the board of commissioners of New Hanover County may determine. Said bonds and coupons shall be payable at such place as the board of commissioners of New Hanover County shall designate in said bonds and coupons. And said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board and sealed with the common seal of the said county of New Hanover, but the coupons thereon may be signed by the clerk of said board alone, or have a fac simile of his signature printed, engraved, or lithographed thereon.
- Bonds to be issued.
- Denominations.
- Amount.
- Interest.
- Maturity.
- Authentication.
- Issue and sale of bonds.      SEC. 5. That said bond shall be issued and sold by the board of commissioners of New Hanover County at such times and in such amounts as may be agreed upon between the board of commissioners

and the board of education of said county, and when any of said bonds are issued after the date thereof, all past due coupons attached thereto shall be detached from said bonds and destroyed by said board of commissioners, and an account of the coupons so destroyed shall be kept. And none of said bonds issued under the provisions of 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 in this act. When said bonds shall be issued, they and the attached coupons shall be numbered consecutively and shall state on their face when they are due and payable, and said bonds shall show by what authority they are issued.

Bonds not to be sold below par.

Specific appropriation.

SEC. 6. When any of said bonds are sold, the proceeds of sale shall be turned over to the 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 and apart from all other funds, and he shall keep separate accounts of the same; said county treasurer, before any fund provided for in this act shall be paid over to him, shall execute a sufficient bond conditioned as other such bonds, and he shall render an accounting in respect thereto, and in all things hold and disburse and account 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 the payment of said funds under this act shall state on their face that they are public school orders and chargeable to said account.

Proceeds paid over to treasurer.

Separate funds and accounts.

Bond of treasurer.

Orders for payment.

SEC. 7. That in case the result of said election shall be in favor of issuing bonds and a levy of the tax as aforesaid, said board of commissioners of New Hanover County shall, if said bonds or any part thereof are sold, levy annually, on the first Monday in June of each year a special tax for said county, not exceeding twelve cents on one hundred dollars worth of property, and thirty-six cents on each poll; the subject of taxation and levy of taxes to be the same as that on which the said board of county commissioners now or may hereafter be authorized to lay and levy taxes for general county purposes the taxes so levied shall be collected as other taxes, 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, sufficient in the judgment of the board of commissioners to redeem said bonds, when same shall become due.

Special tax ordered.

Rate of tax.

Levy and collection of tax.

Separate fund. Application.

SEC. 8. That all expenses of holding said election and printing, issuing and selling said bonds shall be paid by the board of commissioners, out of the proceeds from the sale of said bonds, before turning over said proceeds to the county treasurer as treasurer of the school fund of said county.

Expenses of election.

SEC. 9. The board of commissioners of New Hanover County shall audit the account of the sheriff for all taxes levied and collected

Settlements with officers.

Actions against officers.

under this act, and make settlement of same between said sheriff and the said treasurer; and said board of commissioners may prosecute any necessary action for the recovery of any such taxes against any officer failing to account for the same.

Application for sale of bonds.

SEC. 10. That the board of education of New Hanover County may, from time to time in its discretion, apply in writing to the board of commissioners of said county to sell such an amount of said bonds as said board of education shall deem necessary; and thereupon said board of commissioners shall sell the same as pro-

Sale of bonds.

Deposit of proceeds.

vided in this act, and after deducting the cost and expenses above provided for, shall place the residue of said proceeds in the hands of the treasurer of New Hanover County as treasurer of the school fund, to be held and accounted for by him as hereinbefore provided for, who shall pay out the same only upon the written of said board of education to him, signed by the chairman of said board and countersigned by the secretary of said board.

Orders on fund.

Use of residue of proceeds.

SEC. 11. That the residue of the proceeds of the sales of said bonds aforesaid, shall be used, applied and expended by the said board of education in its discretion for the purchase of sites, and the construction and repair of suitable and permanent schoolhouses and equipping the same in such localities in said county of New Hanover, as the said board of education may select, for the accommodation of the children of said county; and also to reimburse the public school fund of said county for any money already expended since the first of June, 1910, in building schoolhouses, in said county, and in the event it becomes necessary before said bonds are sold to reimburse the said school fund for such moneys expended in buildings, then said board of education is authorized to borrow said amount, or so much thereof as may be necessary, upon the note of said board of education, signed by the chairman and attested by the secretary of said board, said money so borrowed to be repaid out of the bonds to be issued, or out of any other of the public school funds of New Hanover County.

Reimbursements to school fund.

Temporary loan.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911. . .

## CHAPTER 465.

### AN ACT RELATING TO FISHING IN NEUSE AND LITTLE RIVERS, IN WAYNE COUNTY.

Use of traps and nets authorized.

SECTION 1. That the citizens of Wayne County be and they are hereby permitted to put in fish traps and gill stick nets in Neuse and Little rivers, within the limits of Wayne County.

SEC. 2. That all laws and clauses of laws not in conflict with this Laws not repealed.  
act are in no wise repealed.

SEC. 3. That this act shall be in force from and after its ratifi-  
cation.

Ratified this 3d day of March, 1911.

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CHAPTER 466.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, RELATIVE TO PUBLIC ROADS OF DAVIDSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and seventy-five of the Public Laws of one thousand eight hundred and ninety-nine, relative to public roads of Davidson County, be and the same is hereby amended as follows: Add to the end of section fourteen the words: "Provided, that the said board of trustees of Thomasville Town-ship shall be appointed on or before the first Monday in May, one thousand nine hundred and eleven, by the clerk of the superior court of Davidson County, and shall serve for a term of two years, and the successors of said board shall be appointed by said clerk. The said board of trustees shall consist of three members of one political party, and two from the party of opposite political faith."

Proviso: trustees  
for Thomasville  
Township.

SEC. 2. That this act shall be in force from and after its ratifi-  
cation.

Ratified this the 3d day of March, 1911.

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CHAPTER 467.

AN ACT TO AMEND CHAPTER 613 OF THE PUBLIC LAWS OF NORTH CAROLINA, ENTITLED "AN ACT TO REGULATE THE COMPENSATION OF THE SHERIFF OF RUTHERFORD COUNTY IN THE COLLECTION OF TAXES."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred and thirteen of the Public Laws of one thousand nine hundred and nine be amended by insert-  
ing after the word "three" and before the word "per," in line four of section one of said chapter, the words "and three-fourths." Commission of  
sheriff.

SEC. 2. 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 ratifi-  
cation.

Ratified this 3d day of March, 1911.

## CHAPTER 468.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO GAME IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. Strike out the word "and" before the words "Graham County," and insert after the word "Graham" the words "and Transylvania."

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

Ratified this the 3d day of March, 1911.

## CHAPTER 469.

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND SEVENTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE STOCK LAW IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Swain stricken out.

SECTION 1. That section one thousand six hundred and seventy-five of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the word "Swain."

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

Ratified this the 3d day of March, 1911.

## CHAPTER 470.

AN ACT TO PROTECT FISH IN THE WATERS OF DAWSON'S CREEK, PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

Use of drag or haul nets forbidden.

SECTION 1. That it shall be unlawful for any person or persons to fish with drag or haul net of any description in the waters of Dawson's Creek, Pamlico County.

Misdemeanor.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and fined or imprisoned, at the discretion of the court.

Punishment.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 471.

AN ACT TO AMEND SECTION TWO HUNDRED AND NINETY-SEVEN OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE OF NORTH CAROLINA, RELATIVE TO THE OFFICIAL BONDS OF COUNTY TREASURERS, APPLICABLE ONLY TO MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two hundred and ninety-seven of The Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by adding to said section the following: "*Provided, further, the board of commissioners of Mecklenburg County may fix the bond of the treasurer of said county at such sum as they may deem best, not less than twenty thousand dollars, and may increase it at any time.*"

Proviso: bond of treasurer.

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

Ratified this 3d day of March, 1911.

## CHAPTER 472.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SIXTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, CREATING A RECORDER'S COURT IN EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

That chapter five hundred and sixty, Public Laws of North Carolina, session one thousand nine hundred and nine, be amended so as to read as follows:

SECTION 1. The county commissioners of Edgecombe County may establish at Tarboro, North Carolina, a recorder's court for the county of Edgecombe.

Establishment of court authorized.

SEC. 2. Said court shall be a court of record, and shall be presided over by a recorder, who shall be a licensed attorney at law, of good moral character and good standing in his profession, and who shall be at the time of his election and qualification an elector in and for said county. Said recorder shall be elected by the board of county commissioners at their regular meeting on the first Monday in April of each and every year, and shall hold for a period of one year, and should a vacancy occur in said office the same shall be filled by the said county commissioners as provided for the appointment of the recorder. The said appointee shall hold said office

Court of record.  
Recorder.

Election of recorder.

Term of office.

Vacancy.

Recorder to qualify.

during the remainder of said term. Before entering upon the duties of his office, the said recorder so elected shall take and subscribe an oath of office, as is now provided by law for justices of the peace, and shall file the same with the clerk of the superior court of said county of Edgecombe, which clerk will duly record the same. Said recorder's salary shall be determined by the board of county commissioners and be paid out of the county fund upon such vouchers as are now required for payment of county bills.

Salary.

Sessions of court.

SEC. 3. Said court shall be open for trial of cases on each and every Monday morning at ten o'clock, at the county seat, and shall continue in session daily until the business before it shall be disposed of.

Jurisdiction.

SEC. 4. Said court shall have, concurrently with justices of the peace of Edgecombe County, jurisdiction in all criminal cases arising in said county which are now or may hereafter be given to justices of the peace, and, in addition to the jurisdiction conferred by this section, shall have exclusive original jurisdiction of all other criminal offenses committed within the county, below the grade of felony, as now defined by law, and of the crimes of larceny and receiving stolen goods, knowing them to be stolen, wherein the value of the property does not exceed twenty (\$20) dollars, and the same are hereby declared to be petty misdemeanors.

Removal of causes.

SEC. 5. When, upon affidavit made before entering on the trial of any case before any justice of the peace, it shall appear proper for the said case to be removed for trial to some other justice, as is now provided by law, said cause may be removed for trial to said recorder's court of Edgecombe County.

Recognizances to recorder's court.

SEC. 6. In all criminal cases heard by justices of the peace and the other committing magistrates of said county against any person or persons for any offense included in section four of this act, in which probable cause of guilt is found, such person or persons shall be bound in a personal recognizance with surety, to appear at the next succeeding session of the recorder's court for trial, and in default of such surety such person or persons shall be committed to the common jail of such county to await trial.

Issue of warrants.

Clerk of court.

SEC. 7. All trials of criminal actions originating in said court shall be upon warrant issued by the clerk of the superior court, who shall also be clerk of the recorder's court.

Jurisdiction of superior court.

SEC. 8. Of all criminal offenses of which the recorder is, by this act, given exclusive original jurisdiction, and of which the recorder's court has failed for a period of three months to take jurisdiction, the superior court shall have concurrent jurisdiction, and the grand jury drawn and selected for the superior court of Edgecombe County shall take presentment, and file bills of indictment as was their duty to do before the establishment of the recorder's court, and said superior court may proceed to the trial of said offenses: *Provided*, that the judge of the superior court may direct such bills of indictment as may be found by the grand jury, and

Proviso: indictment certified to recorder's court.

which can not be tried at the first term of the court at which they are found, and where the defendant shall be committed to jail, be certified to the clerk of the recorder's court for trial, and upon the receipt of such bill of indictment with the record in the case, the recorder shall summon the witnesses before his court and proceed to trial in the same manner as if the case has been commenced in his court.

SEC. 9. All officers shall have the same fees as are now prescribed by law, and the same shall be collected and be paid out in the same manner and by the same officers as collect and disburse the said fees in the superior court. Fees of officers.

SEC. 10. Whenever any person or persons shall be convicted in the recorder's court for any of the offenses mentioned in this act, and the punishment imposed is imprisonment and costs, the said recorder shall sentence the said defendant to imprisonment in the common jail of said county, to be worked upon the public roads of said county. All fines imposed shall be collected by the clerk of the superior court as is now done in the superior court, and where a defendant is convicted and fails to pay the costs the county shall pay such costs as is allowed by law in similar cases in the superior court. Sentences to road work.  
Costs paid by county.

SEC. 11. Said court shall have concurrent jurisdiction in all civil matters arising in said county which are now or may hereafter be given to justices of the peace, and shall have concurrent jurisdiction with the superior court of all other civil actions arising in said county out of contract, where the sum demanded is more than \$200 and does not exceed the sum of five hundred dollars, and those arising out of tort where the value of the property or the amount in controversy does not exceed two hundred dollars. Civil jurisdiction.

SEC. 12. Any person desiring to appeal to the superior court in a criminal or civil case from a judgment of the recorder's court shall be allowed to do so in the same manner as now provided for appeals from the courts of justices of the peace. Appeals.

SEC. 13. All civil actions shall be commenced in said recorder's court by summons issued by the clerk of the superior court, and shall be returnable the first Monday after service: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on the return day of such summons. The defendant shall file the written answer or demurrer on or before Wednesday night following the return day of said summons, and the case shall stand for trial on the first Monday after the return day thereof. Issue and return of summons.  
Proviso: time of service.  
Pleadings.  
Date for trial.

SEC. 14. All judgments in civil actions rendered by the recorder shall be duly docketed in the office of the clerk of the superior court, and shall become and be a judgment of the superior court for all purposes, and execution shall issue thereon, as is now provided by law for executions. Judgments docketed.

Election of suitors.

SEC. 15. In all civil actions and matters where a justice of the peace does not now have exclusive jurisdiction the plaintiff in such action may bring original suit, either in the recorder's court of Edgecombe County, as established by this act, or in the superior court of Edgecombe County, at his election.

Writs, processes and precepts.

SEC. 16. That all writs, processes and precepts issued from the recorder's court, when under the seal of the clerk of the superior court of Edgecombe County, may issue to and run in any county in the State of North Carolina and be addressed to any sheriff or constable or other lawful officer of any county in the State, or any township of any county in the State, or to the chief of police or any policeman of any incorporated town or city in the State, and shall be executed by any officer above named to whom it may be directed, and all such officers are hereby fully empowered to execute same.

Judgments, orders and decrees.

That all judgments, orders and decrees of the said recorder's court shall be of the same force and validity as like judgments, orders and decrees of other courts of the State exercising like jurisdiction and such orders, judgments and decrees may be docketed in any county in the State and be enforced as judgments of the superior court.

Rules and practice.

SEC. 17. That the same rules and practice as to venue of causes of action cognizable in said recorder's court, civil or criminal, shall apply as is now provided by law for the superior court.

Recorder may practice law.

SEC. 18. Nothing in this act shall prevent the recorder elected by the board of commissioners and serving as such in the court hereby established from practicing law in the higher courts of the county and State in any and all cases which have not been passed upon by him in his court.

Act to be printed and copy mailed.

SEC. 19. This act shall be printed at once, upon its ratification, and a copy thereof mailed by the Secretary of State to the chairman of the board of commissioners of Edgecombe County.

Proviso: Rocky Mount court.

SEC. 20. *Provided*, that nothing in this act shall be in conflict with the recorder's court at Rocky Mount, North Carolina.

Discontinuance of court authorized.

SEC. 21. That the said board of commissioners are authorized, upon the expiration of the term of office of the officers of this court, to discontinue said court.

Jury trials on demand.

SEC. 22. That the defendant, in all criminal trials, and the plaintiff or defendant either, in all civil actions, may demand and have a jury trial: *Provided*, notice be given the clerk of this court three days prior to the time said cause shall stand for trial. That in

Proviso: notice of demand.

all trials in this court the jury shall be six in number; except in civil actions above the jurisdiction of justices of the peace; they shall be drawn from Number One Township by the clerk of said court, upon notice to the parties: they shall possess the qualifications required of jurors in like causes in the superior court and be subject to the same challenges, and shall serve until discharged by the court. If any juror or jurors shall be excused for any reason, the court may have its clerk call tales jurors to take the place of

Juries.

Tales jurors

the regular juror or jurors excused, who shall possess the qualifications and be subject to the same challenges as the tales jurors in the superior court, until a jury is completed. All regular jurors, who attend, and all tales jurors, who serve, shall be allowed \$1 per day, without mileage. In all civil actions, the party demanding the jury trial shall deposit with the clerk of this court \$6 before the jury shall be drawn by the clerk, the same to be paid into the general county fund.

SEC. 23. That the board of commissioners of Edgecombe County may appoint a recording pro tem. of the said recorder's court and fix his salary, which shall be paid as the recorder's salary is paid, and the said recorder pro tem. shall have the same qualifications, and before entering upon his office shall take the same oath, and be subject to the same rules as the recorder of said court, and the said recorder pro tem. shall preside at all hearings and try all cases in the said recorder's court when the recorder shall be a party to any such case, or be unable by sickness or otherwise to preside.

SEC. 24. The said board of commissioners of Edgecombe county shall appoint a prosecuting attorney for the said recorder's court, who shall have the same qualifications as the recorder, and shall take an oath similar to the one now required of solicitors before entering upon the discharge of his duty, and the said prosecuting attorney shall prosecute all criminal causes in said court of which said court has jurisdiction, or of which said court acts only as a committing court under the same rules as a solicitor prosecuted in the superior court of Edgecombe County, prior to the creation of the recorder's court; and the compensation of the said prosecuting attorney shall be fixed by the board of commissioners of said county, and paid as said recorder's salary is paid; this court shall collect in each case a fee similar to that charged in the superior court for solicitors, which charge shall be collected by the clerk of this court and paid into the general fund of the county.

SEC. 25. That there shall be taxed in all criminal actions, in which defendant demands a jury and is convicted, as costs in the said recorder's court, a jury tax of \$6, which shall be collected under the same rules as the jury tax or cost is collected in the superior court, and that the said costs thus taxed shall be paid to the county as said jury costs are taxed and paid in the superior court.

SEC. 26. That the term of office of the recorder pro tem. and the prosecuting attorney herein shall terminate at the same time as that of the recorder for any term.

SEC. 27. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

## CHAPTER 473.

## AN ACT AUTHORIZING THE COUNTY OF SCOTLAND TO CONTRIBUTE TO A FUND IN PART PAYMENT OF A CONFEDERATE MONUMENT IN THE COUNTY OF SCOTLAND.

*The General Assembly of North Carolina do enact:*

Contribution authorized.

SECTION 1. That the board of county commissioners of the county of Scotland are hereby authorized in their own discretion to pay the Confederate Veterans Association of the county of Scotland the sum of not more than five hundred dollars out of any funds in hand to aid in the payment of the monument just erected by the said association in memory of the bravery and devotion of the soldiers from that county in the Civil War.

Amount.

SEC. 2. That the said memorial, when completed, shall be under the care and protection of the board of commissioners of said county, but the same shall not be moved from its present site, except with the permission of the said association.

Care and protection of monument.  
Removal forbidden.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 474.

## AN ACT TO FIX THE PAY OF THE COUNTY COMMISSIONERS OF VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Pay for regular meetings.

SECTION 1. That each county commissioner of Vance County, except the chairman, shall receive for his services and expenses in attending the meetings of the board of commissioners on the first Monday of each month and on the second Monday of July the sum of three dollars per day and five cents per mile traveled.

Pay for special meetings.

SEC. 2. That for all meetings of said board other than those named in section one, the compensation of each member, except the chairman, shall be two dollars per day and five cents per mile.

Pay of chairman.

SEC. 3. That nothing in this act shall be construed as in any way affecting the salary of the chairman of the board of county commissioners of Vance County as fixed by chapter two hundred and twenty-seven, Public Laws of North Carolina, session of one thousand nine hundred and three.

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 and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 475.

AN ACT TO AUTHORIZE THE TREASURER OF WILKES COUNTY TO PAY A SCHOOL CLAIM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Wilkes County is hereby authorized to pay J. C. Parsons the sum of twenty-four dollars due him as teacher in District Number Seven, white race, in Job's Cabin Township, Wilkes County, year one thousand nine hundred and nine, out of any moneys now due or may hereafter become due said district: *Provided*, said claim is duly approved by the county board of education. Payment authorized.  
Proviso: approval of claim.

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

Ratified this the 3d day of March, 1911.

CHAPTER 476.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF IREDELL COUNTY TO ISSUE BONDS IN THE SUM OF FOUR HUNDRED THOUSAND DOLLARS TO BUILD, MACADAMIZE AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY AND TO PROVIDE FOR AND MAINTAIN SAME BY TAXATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of grading, building, and constructing of macadam, gravel, soil, sand-clay, or other material, and otherwise improving and maintaining the public roads of Iredell County, the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds of the said county to an amount not exceeding four hundred thousand dollars (\$400,000) in denominations not exceeding one thousand dollars (\$1,000), bearing interest from the date thereof at not exceeding the rate of five per cent per annum, with interest coupons attached, payable semi-annually at such time and place as may be directed by said board of 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 forty years from the date thereof, and at such place or places as the said board of county commissioners may determine; and the said board of county commissioners may divide the said issue into three series: *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. Purpose of bond issue.  
Issue directed.  
Amount.  
Denominations.  
Interest.  
Maturity.  
Proviso: bonds not sold below par.

## Authentication.

SEC. 2. Such bonds shall be numbered and shall be signed by the chairman of the said board of commissioners and attested by the register of deeds of said county and clerk of said board, and shall bear the corporate seal of said county. And the coupons attached to each bond shall bear the number of the bond as well as the number of the coupon, and shall be executed either by the signing by the chairman of the board of county commissioners and the register of deeds of Iredell County and the official clerk of said board or with their lithographed signatures.

## Record.

SEC. 3. A record shall be kept by the said board of commissioners, in a separate book for that purpose, of all bonds sold, and to whom, the amount and date of sale, and the issuing of each bond and its number.

## Special tax.

SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and support a chain gang and convict force, establish, alter, repair and maintain the public roads and highways of said county in good condition, the board of commissioners for the county of Iredell, or other authorities vested with the power of levying taxes for said county, shall annually compute and levy, at the time of levying other county taxes, a sufficient special tax on all polls, all real estate and personal property and all other subjects of taxation, which the said commissioners or other authorities now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between the taxes on property and the taxes on polls: *Provided*, there shall not be at any time levied in the county of Iredell for the purpose of road improvement, and including all expenditures made necessary by this act or any act or statute now existing, a tax greater than twenty-five cents upon the hundred dollars of property and seventy-five cents on each poll.

Constitutional  
equation.  
Proviso: limit of  
tax rate.

Taxes kept  
separate.  
Specific  
appropriation.

SEC. 5. That said taxes, when collected, shall be kept separate and apart from the other taxes, and shall be used only for the purpose for which they were collected.

Investment of  
sinking fund.

SEC. 6. That it shall be the duty of the board of commissioners for the county of Iredell to annually invest any and all moneys received 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 board of commissioners, and to be agreed upon by them and the owners hereof. But, in case said county bonds can not be purchased at a satisfactory price, then the said commissioners are authorized and directed to invest said sinking fund upon security approved by them, and upon terms advantageous to said county. And any money of said sinking fund so loaned and invested shall bear a rate of interest not less than five per cent per annum, and any interest from the said fund shall be annually invested in the same way. And the notes taken for said loans shall express on their face that the money borrowed belongs to said sinking fund.

Interest on sinking  
fund.

Re-investment of  
interest.

SEC. 7. That the money received from the sale of said bonds and derived from the special tax herein authorized to be levied, except a sufficient amount to pay the interest on said bonds, and the sum set apart for the sinking fund to pay the principal of said bonds, shall be used by said board of commissioners to purchase improved road making machinery, to survey, lay out, grade, macadamize, improve and maintain the public roads and bridges of said county and in guarding and maintaining such convict force as may from time to time be assigned to work on said roads and the keeping of the public roads in repair. Road fund.

SEC. 8. That the bonds herein provided for shall be deposited in some safe deposit company or bank to be designated by said board of commissioners and drawn out on the order of the said board of commissioners, the proceeds of which shall be applied to the purposes herein provided for. Deposit of bonds.

SEC. 9. For the purpose of ascertaining the wishes of the voters of Iredell County upon the question of issuing said bonds, improving and maintaining the public roads of said county, as provided for in this act, an election shall be held at all the voting precincts in said county of Iredell on Tuesday after the second Monday in May, in the year one thousand nine hundred and eleven, it being the ninth day of May, one thousand nine hundred and eleven. At said election all voters in Iredell County, qualified to vote in said election may vote a written or printed ticket. Those who favor the purpose of this act shall vote a ticket, with the words "For Road Improvements" written or printed thereon, and those who oppose the purpose of this act shall vote a ticket with the words "Against Road Improvements" written or printed thereon; and if the majority of the voters of Iredell County, qualified to vote in said election, shall vote "For Road Improvements," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be held in the manner provided by law for the election of members for the General Assembly, except as is otherwise differently provided in this act. There shall be a new registration of said voters of said county for said election, and registration books for said new registration shall be open from the fifth day of April, one thousand nine hundred and eleven, at nine o'clock a. m., and shall be closed on the sixth day of May, one thousand nine hundred and eleven, at sunset. The registrars and judges of election of each precinct shall meet at their respective precincts on Saturday, the sixth day of May, one thousand nine hundred and eleven, at nine o'clock a. m., and hear any complaint for refusing of registration, and also all challenges which may be made against any person admitted to registration. But no names shall be erased from the registration list without notice to said person and a hearing, and said hearing may be on said day or at any day after the registration books shall be closed, and including Election on bond issue.  
Date of election.  
Tickets.  
Effect of election.  
Law governing election.  
New registration.  
Registration.  
Challenge day.  
Hearing on challenges.

Appointment of election officers.

the day of election. The registrars and judges of election shall be appointed by the board of commissioners for the county of Iredell not later than the first Monday in March, one thousand nine hundred and eleven, and the list of persons so appointed shall be published for two weeks in some newspaper published in Iredell County during the month of March, one thousand nine hundred and eleven.

Law governing election.

There shall be appointed one registrar and two judges of election for each precinct, and the said registration and election shall be held in all respects like the election for members of the General Assembly,

Count and return of votes.

except as is otherwise or differently provided in this act. At the close of the election in each precinct the votes shall be counted and returned over the signatures of the registrar and judges of election, or a majority of them, to the board of commissioners of the county of Iredell. Abstracts or blanks for this purpose shall be prepared by said board of commissioners and furnished to each precinct; and the registrar or one judge of election shall be chosen as a messenger to transmit said returns to said board of commissioners. Said returns shall be executed in triplicate. One copy shall be transmitted as aforesaid to the board of commissioners of the county of Iredell, one copy to the clerk of the superior court of said county, and one copy retained by the register of each precinct. On the third Monday in May, one thousand nine hundred and eleven, being the fifteenth day of May, one thousand nine hundred and eleven, and the Monday succeeding the election, the board of commissioners for the county of Iredell shall meet as a canvassing board, and shall receive the returns of said election and shall canvass and judicially pass upon the same and declare the result of said election, which shall be duly recorded upon the records of said board and in the office of the register of deeds. If a majority of the voters of Iredell County, qualified to vote at said election, shall have voted "For Road Improvements," then the bonds provided for in this act shall be issued and sold. At any election held under this act any person who shall not have been entitled to registration while the said registration books were open for registration, but, shall have become entitled to registration after said registration books were closed and before or on the day of election, shall be entitled to register on the day of election and vote.

Abstracts or blanks.

Messenger.

Returns in triplicate.

Canvass of returns.

Effect of election.

Registration on election day.

Registration on Saturdays.

Certificate of registered voters.

Return of registration book.

Poll books.

SEC. 10. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct for the registration of voters. It shall be the duty of the registrar and judges of election to certify, on returns made by them of the votes cast in their respective precincts in said county, the number of voters registered at their precinct on said election; and the registrar shall, on or before the day set for the canvass of the votes so cast by the board of county commissioners, return his registration book to the clerk of the board of county commissioners. The registrar and judges of election shall keep two

poll books containing the names of persons voting at their precinct at said election. The registrars shall receive for their services hereunder two cents for each name registered and one dollar (\$1) a day for each Saturday; and the registrars and judges of election shall receive one dollar and fifty cents (\$1.50) for their services rendered on the day of election and for making the returns required by this act. The costs of this election to be paid by the board of county commissioners out of the road fund.

Pay of election officers.

Cost of election.

SEC. 11. If a majority of the voters of the county of Iredell qualified to vote at said election shall fail to vote "For Road Improvements" then the provisions of this act shall not be operative.

Effect of negative vote.

SEC. 12. The board of county commissioners shall have the power and authority to locate, relocate, widen or otherwise change any public road or highway, or parts of the same, of the county, or lay out and establish any new public road, when in their judgment such location, relocation, widening or other change or the opening of a new public road is deemed necessary and advantageous to the public travel; and said board of commissioners shall have the further right to abandon and discontinue any public road or highway if the same is unnecessary and not advantageous to public travel; but the said board of commissioners, before locating, relocating, widening or changing any public road or establishing a new public road, shall cause a survey of the same to be made by some competent engineer, and said board shall further find that said changes, locations, relocations and the opening of a new public road are necessary and advantageous to public travel, or, if said commissioners desire the discontinuance or abandonment of a public road, they shall state that said public road is unnecessary and not advantageous to public travel. The said board of commissioners shall give to the landowners on and over whose lands any changes, location or relocation of any public road, or the establishment of any new public road is to be made, or the discontinuing and abandonment of any public road, at least twenty days notice in writing, of the time and place of deciding upon such change; and if any of the landowners on or over whose land the proposed changes are to be made and the new road established, or any road to be abandoned or discontinued, are minors, idiots or lunatics, such notice shall be given to them and their duly appointed guardians, or if no guardian has been appointed, then such notice shall be given to any persons with whom they are living. If any landowner is a nonresident the said notice shall be mailed to him at his place of residence or be published for twenty days before the decision by said commissioners. The said commissioners upon the day of hearing set by them, shall either make an order granting the change, location or relocation of any public road or the opening and establishing of any new public road, which order, when so made, shall be a condemnation of the land or lands mentioned over which said roads may run, or such

Power to locate, established or change roads.

Power to abandon roads.

Surveys.

Notice to landowners.

Order.

Effects of orders.

Right of appeal.	<p>part thereof as shall be fully set out in the order; and if the order be for discontinuing and abandoning the public road, said order shall describe the same, ordering the discontinuance and abandonment. Any person owning land on or over which said changes are made or said public road is discontinued or abandoned shall have the right to appeal to the superior court of Iredell County for a trial <i>de novo</i> upon the order of said commissioners, but he shall give a good and sufficient bond for the costs, as in like cases of appeal; but the taking of said appeal shall not delay the changing, locating or relocating of any public road or the discontinuing or abandoning of any public road according to the terms of the order made therein by said board of commissioners, and said appeal shall only establish the quantum of damages which may exist because of the acts of the board of commissioners as contemplated in this section.</p>
Bond on appeal. Appeal not to delay action.	<p>SEC. 13. Any person who shall obstruct the county surveyor or engineer in making a survey, in changing the road, or the opening of a new public road or highway, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in the discretion of the court; and any person or persons who shall obstruct any one authorized by this section to open or change any public road or highway shall be guilty of a misdemeanor, and upon conviction therefor shall be fined or imprisoned, or both, in the discretion of the court: and it is hereby made the duty of the solicitor to prosecute all offenses against the provisions of this act; and if, after changing, locating or relocating any public road or highway, or opening or establishing any new public road or highway, any person be aggrieved, and he and the board of county commissioners can not agree and fix the amount of damages for locating or relocating of such public road or highway, or opening or establishing any new public road, he may, within six months of said change, location or relocation of said public road or highway, or the opening or establishing of a new public road, apply to the clerk of the superior court, who shall appoint a jury to consist of five freeholders, to assess the damages; and the said jury, in determining said damages, shall take into consideration the benefits accruing to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict; and the said damages, if allowed, shall be paid out of the road fund of the county; and if the jury award no more damages than the amount offered by the board of commissioners, then the party aggrieved shall pay all costs for making the said assessment of damages: <i>Provided</i>, that the board of commissioners or persons so aggrieved shall have the right to appeal to the superior court, after giving good and sufficient security for costs.</p>
Obstructing surveyors a misdemeanor.	<p>SEC. 14. That for the purpose of carrying out the provisions of this act the board of commissioners, through its superintendent,</p>
Punishment. Obstructing work a misdemeanor.	
Punishment. Solicitor to prosecute.	
Procedure for assessment of damages.	
Proviso: right of appeal.	
Entry on land for material.	

after first consulting the owner or owners, agent or agents of the land from which material for building and repairing roads is gotten, is hereby authorized to enter upon any lands near to or adjoining any public road or highway, to take or cause to be taken or carried away any gravel, sand, clay, rock, soil, stone or other material which may be necessary to construct, improve or repair said roads, together with the free ingress and egress from said roads for the transportation of said material.

SEC. 15. That if any owner of land, or the agent or agents of said owner having in charge lands from which stone, gravel, soil, sand, clay or rock or other material was taken, as aforesaid, shall present an account for the same to the board of county commissioners or to the superintendent, it shall be the duty of said board to pay a just and reasonable price for the same; and any owner, agent or agents shall have the right to appeal from said board to the superior court to determine the value of such stone, sand, clay, soil, rock, gravel or other material; but said board of commissioners or superintendent shall not be prevented from entering upon any lands, as aforesaid, and using material as aforesaid at any time desired, whether the claim of the owner is made prior to or after the entry upon said land for said material.

SEC. 16. It shall be the duty of the board of commissioners of Iredell County to elect some competent and experienced engineer to lay out and supervise the building, improving and maintenance of the public roads of the county of Iredell and fix his compensation, and appoint such assistants and overseers as may be necessary. It shall be the duty of the said engineer, under the direction of the said board of commissioners, to make maps and profiles of all the roads to be located, built, macadamized or otherwise improved, and furnish estimates of the dirt, stone or other material to be moved or used in the construction, macadamizing and maintenance of said roads; and if the said board of commissioners shall determine to let any part of the grading, macadamizing, improving or construction of said roads by contract, then the corporation, partnership and persons so bidding for said work, shall bid upon the specifications for the same furnished by said engineer. The said board of commissioners is hereby authorized to let the grading and macadamizing or the grading or macadamizing or the construction by contract of any section of road to be built, or any sub-division of any road to be built, to any person, partnership or corporation, requiring the said person, partnership or corporation to give a bond in such amount as the said commissioners may decide to complete the said road in accordance with the said specifications of the said engineer, within the time prescribed by the said board of commissioners. Or the said board of commissioners may hire labor and convicts, and use the convict force of the county of Iredell, and have the said roads graded and macadamized or constructed under

Payment for material.

Right of appeal.

Road engineer.

Assistants and overseers.

Maps and estimates.

Roads may be let to contract.

Bond of contractors.

Work by hired labor and convicts.

its direct supervision and under such superintendents as it may employ, whichever it shall determine to be the most advantageous to the people of the county of Iredell.

- Sale of bonds. SEC. 17. That the board of commissioners of the county of Iredell shall offer for sale at such time or times such number of said
- Proceeds delivered to treasurer. bonds as may be determined by said board, and the proceeds of sale of said bonds shall be delivered to the treasurer of the county of Iredell, and shall be disbursed by him for orders duly signed by the
- Orders for disbursement. chairman of said board of commissioners and countersigned by the secretary thereof. The said treasurer is hereby directed and required to keep a separate book of the moneys received by him from
- Separate accounts. proceeds of the sale of said bonds and the disbursements and date thereof made by him of the same. And the bond of the said treasurer shall be liable for the faithful accounting of the moneys received by him under this act. The treasurer shall receive no compensation for his services upon receipts of moneys derived from the sale of the bonds or taxes levied under this act, but may be paid in the discretion of the board of commissioners of Iredell County on disbursements upon their order, not exceeding one-half of one per cent.
- Treasurer liable on bond. SEC. 18. The board of commissioners of Iredell County shall locate and establish a uniform system of public roads for said county to radiate from the towns of Statesville and Mooresville as centers, so as to serve every township in the county, and are hereby directed to expend the proceeds of said bonds as rapidly as it can be wisely or judiciously expended for the purposes in this act expressed, upon an equitable basis in the construction of said system of public roads.
- Compensation of treasurer. SEC. 19. The roads to be laid out, built and constructed by the board of commissioners under this act shall be of the width and grade necessary for the proper construction of said roads, which width and grade may be determined by them within their discretion, taking into consideration the locality of the road. The said board of commissioners are authorized, wherever the public roads shall cross a branch, creek or river, to erect and construct thereover such bridges as in their judgment may be necessary.
- Uniform system of roads. SEC. 20. The treasurer of the county of Iredell shall quarterly publish in some newspaper published in the county of Iredell an itemized statement of all receipts and disbursements by him made of moneys received under the provisions of this act.
- Centers. SEC. 21. That no tax shall be levied for road purposes, except such as is provided for in this act.
- Width and grade of roads. SEC. 22. That on or after September first, one thousand nine hundred and twelve, the board of commissioners of Iredell County are authorized and empowered to adopt a uniform system of maintaining the public roads of Iredell County not otherwise provided for in the preceding sections of this act; and are authorized to use so much of the funds raised by taxation under this act for road purposes as
- Bridges.
- Publication of statements.
- No further road tax.
- Work on other roads.

may not be necessary for the payment of the coupons, the sinking fund and the chain gang aforesaid, and also use for said purposes any moneys not otherwise appropriated of the general funds of Iredell County. They shall provide the manner and method of working said roads with the view to keep them in good repair in every section of the county.

SEC. 23. That all laws and clauses of laws in conflict with this act Repealing clause. are hereby repealed.

SEC. 24. Immediately after the passage of this act the Secretary Certified copy of act. of State shall send a certified copy of the same to the register of deeds of Iredell County.

SEC. 25. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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### CHAPTER 477.

#### AN ACT TO PROVIDE A PUBLIC INSTRUCTOR IN AGRICULTURE IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of county commissioners and the board of education of Wake County, respectively, are hereby authorized and empowered to employ a public instructor in agriculture in Wake County, at a total annual expense not to exceed eighteen hundred Employment authorized. Limit of expense. dollars.

SEC. 2. The said boards shall have power to apportion the said expense between the general county funds and the public school funds of said county. Apportionment of expense.

SEC. 3. It shall be the duty of the said boards to prescribe the duties of said public instructor in agriculture. Duties.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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### CHAPTER 478.

#### AN ACT TO IMPROVE THE PUBLIC ROADS OF HARRELLSVILLE TOWNSHIP, HERTFORD COUNTY, TO CREATE A ROAD COMMISSION FOR SAID TOWNSHIP, AND WORK THE SAME BY TAXATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Hertford County shall, at their regular meeting on the first Monday in April, one thousand nine hundred and eleven, order an election to be held in Harrellsville Township, Hertford County, on the first Tuesday Election to be ordered. (it Date of election.

- being the second day) of May, one thousand nine hundred and eleven, submitting to the qualified voters of said township the question of the approval of this act, and said commissioners shall give notice of said election for twenty days by publication of said notice at the court-house door in Winton, North Carolina, and one or more places in Harrellsville Township, and in the *Hertford County Herald*, a newspaper published in Hertford County, and said commissioners when the aforesaid election is ordered shall appoint the registrars for said election and for each voting precinct in said Harrellsville Township if there should be more than one voting precinct therein, with the power in the chairman of the board of said commissioners to fill any vacancies or substitute their appointees, if reason should exist therefor, and notice shall be given to the respective persons of their appointment, and the registration books of Harrellsville Township shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open for the registration of any persons entitled and not hitherto registered, and said election shall be held in accordance with the general provisions of the law for the holding of elections, except as may be modified herein.
- SEC. 2.** That the election officers shall appoint one of their number to make return of the registration books and the poll books, and also the return of the vote from said township, said return to be made on Monday, May eighth, one thousand nine hundred and eleven, and the board of commissioners of Hertford County shall on that day meet and canvass the vote and record said vote of said township and declare the result of said election.
- SEC. 3.** That in said election those favoring the law and the levying the tax thereunder shall vote on a written or printed ballot "For Good Roads," and those against on a written or printed ballot "Against Good Roads," and said ballots may be of any size and in any type and on any sort of white paper.
- SEC. 4.** That if a majority of the votes cast at said election in Harrellsville Township shall be "For Good Roads," that in such case this act shall be adopted for the said township, and all of its provisions shall be carried out as in this act directed; but if a majority of the votes cast in the election to be held on the first Tuesday in May, one thousand nine hundred and eleven, be "Against Good Roads," the board of county commissioners shall order a reelection in said township, upon a petition of one-third of the qualified voters of said township asking that such election be held, the time for holding said election to be stated in said petition, but in no case shall more than two elections be held in said township within the same year.
- SEC. 5.** That for the purpose of constructing, repairing, improving and maintaining the public roads in Harrellsville Township aforesaid, there shall be a special board of three members, who shall be known as the "Board of Road Commissioners" for said township,
- Election on approval of act.  
Notice of election.
- Appointment of registrars.
- Registration.
- Law governing elections.
- Return of registration and poll books.  
Return of vote.
- Canvass of returns.
- Ballots.
- Effect of election.
- Further elections.
- Board of road commissioners.

which board shall have the entire supervision and jurisdiction of all the public roads of said township and succeed to and exercise all the powers and duties heretofore exercised by and imposed upon the board of county commissioners and justices of the peace in reference to the establishment, alteration of, discontinuance of all public and private roads, cartways and other thoroughfares. Powers and duties.

SEC. 6. That W. E. Jordan, S. M. Aumack and J. T. Coleson are hereby appointed and constituted the board of road commissioners for said township, and they shall hold their office and perform its duties until the first Monday in December, one thousand nine hundred and twelve, and until their successors are duly elected or appointed and qualified, a majority of whom shall constitute a quorum. Commissioners named.  
Term of office.

SEC. 7. That at the regular election in November, one thousand nine hundred and twelve, and every two years thereafter, at the regular election, the members of said board of road commissioners shall be elected under the same rules and regulations as are or shall be prescribed for the election of county or township officers, the number elected being the same as set out in section six hereof. Election of successors.

SEC. 8. That the members of said board of road commissioners shall qualify before any officer authorized to administer oaths, on or before the first Monday in December immediately following their election, except those mentioned in section six above, and all vacancies on said board caused by a failure to qualify or otherwise shall be filled by said board, its member or members that are qualified, by the appointment of a member or members from said township, and said appointee, upon his qualification within a reasonable time, shall fill the unexpired term, only two of said commissioners to belong to any one political party. Commissioners to qualify.  
Vacancies.  
Political affiliation.

SEC. 9. That the members of said board named in section six above shall qualify on or before the first Saturday in June, one thousand nine hundred and eleven, and they shall meet in Harrellsville on the first Saturday in June, one thousand nine hundred and eleven, and organize by electing one of their number as chairman and by electing a secretary, who may be one of the board. The secretary shall, in a book suitable for the purpose, keep a full and perfect record of all the proceedings and actions of the board, which record shall be opened to inspection of the citizens of the township at reasonable times. The compensation of the secretary shall not exceed one dollar per day for every day on which said board shall meet. The compensation of the members of the board shall be the same as that of the secretary. Said board shall meet quarterly on the first Saturday in June, September, December and March, and oftener if necessary or important, upon a call of the chairman or any member, if required by a majority of the members. At all their meetings which will be held in Harrellsville, they shall be authorized to transact any business and duties with reference to the roads of the township or within their jurisdiction. Qualification and meeting for organization.  
Organization.  
Records.  
Compensation.  
Quarterly meetings.  
Called meetings.

Estimates for  
annual expense.

SEC. 10. At or before their meeting in June of each year said board of road commissioners, provided a majority of votes cast in the election to be held as hereinbefore provided shall be "For Good Roads," shall consult together as to the amount of money reasonably necessary to purchase necessary and suitable tools, machinery, teams and supplies for the proper working and improving and establishing the public roads in said township, and to pay all expenses thereof and the expenses pertaining to the performance of their duties for one year, and shall fix and determine the rate of taxation on the property and polls in said township for the purpose of raising said amount, which rate shall not be less than ten cents on the one hundred dollars of valuation of real and personal property nor more than thirty cents on the one hundred dollars thereof, and not less than thirty cents nor more than ninety cents on the poll for any year. And said board of road commissioners shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said county on or before their June meeting in each and every year. And it shall be the duty of the said board of county commissioners of Hertford County, at their regular meeting in June, one thousand nine hundred and eleven, and annually thereafter, to levy a special tax as determined by said board of road commissioners for said purposes, observing at all times the constitutional equation. Said taxes to be collected as all other taxes of said township, to be kept separate in the tax books of the county, to appear separate on the tax receipts, to be set aside as special road fund to the credit of Harrellsville Township, and to be used in the construction, improvement and keeping in repair the public roads of said township, the rent or purchase of team, material and implements, and the employment of such labor as may be found necessary to properly carry out this work.

Limit of rate.

Levy and  
collection of tax.

Special road fund.

Road duty.

SEC. 11. That after June first, one thousand nine hundred and eleven, every able-bodied male person between the ages of twenty-one and forty-five years residing in said township shall be liable annually to perform five days labor upon the roads of said township, under the supervision and direction of the road supervisor, overseer or other officer appointed by the board of road commissioners, who may assign such persons to any portion of the road in said township, having due regard to the convenience to the said persons by placing them on the roads nearest their place of abode: *Provided, however,* that any such person shall be discharged from such labor for one year upon the payment of the proper officer of the sum of two dollars and fifty cents per annum in lieu thereof: *Provided,* that such sum shall be paid on or before the first day of April of said year: *Provided,* nothing in this section shall be construed to prevent the board of town commissioners or aldermen of any incorporated town in said township from exempting bona fide residents in said town from the provisions of this section.

Proviso:  
commutation.

Proviso: time of  
payment.

Proviso:  
exemptions.

SEC. 12. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of said township, and for the faithful keeping and disbursements of said money the bond of the treasurer shall be liable; for his services in receiving and disbursing such funds he shall receive such commissions as the board of road commissioners may agree upon, not to exceed one and one-half per centum on all moneys disbursed hereunder. He shall keep in a separate book, which shall be labeled "Road Fund," a separate account for the funds levied and collected under this act, and credit the same to the Harrellsville Township road fund, and he shall only pay out said money upon the order or warrant of said board of road commissioners. All orders or warrants of said board of road commissioners on the county treasurer shall be authenticated as is required for such orders or warrants of the board of county commissioners.

Treasurer of road fund.

Commission of treasurer.

Road fund. accounts.

Warrants.

SEC. 13. That the taxes and other revenues raised by virtue of this act in said township shall constitute a special road fund for said township, to be used for the construction and improvement of the roads and small bridges in said township, and for the purchase and maintenance of tools, machinery, teams and other supplies and equipment for the better prosecution of the work in said township, and shall be expended according to the judgment and discretion of the board of road commissioners; and said board shall, as often as they deem necessary, issue warrants and orders upon the county treasurer, directing him to pay to the supervisor or other officers of roads the amount therein specified for the purpose of carrying on the provisions of this act.

Special road fund.

Use of fund.

Expenditure.

SEC. 14. That said board of road commissioners may annually elect one or more supervisors or superintendents of the roads and at any time appoint overseers, if they should deem the same advisable or authorize the supervisor to appoint said overseer.

Supervisors and overseers.

SEC. 15. Every supervisor or other officer may be required to execute a proper undertaking, in an amount to be fixed by said board of road commissioners, for the faithful performance of his duties and for the proper accounting for the funds and property which may come into his hands as such, and shall always be subject to the orders and control of said board, and may be at any time removed by them for inefficiency, misconduct and other good cause, and a successor may be appointed by them.

Bonds of supervisors and other officers.

Removal of officers.

SEC. 16. The supervisor shall have charge and management of the hands, labor, teams, tools, apparatus and machinery used on the road under his charge, and shall render an itemized statement on account of the number of hands or persons, the number of hours or days worked, the amount paid each hand and the amount of money received, and how the same was disbursed, and a list of the tools, machinery, implements, dumps, carts, teams and other apparatus in his hands, and the condition thereof, and any other information in

Supervisor to have charge.

Itemized statements.

Reports quarterly. reference to his management that may be reasonably required. Said report shall be made quarterly or oftener to said board. He shall have the team and all apparatus properly cared for. In all matters he shall be subject to the control and direction of said board.

Powers of commissioners. SEC. 17. That said board of road commissioners shall have full power and discretion to adopt such methods and means and agencies for and in the management, improvement and working of said road as they may determine to be wise and best, regardless of any seeming limitation or restriction in this act; and they may also make such purchases of gravel pits, lands, timber and machinery and teams as they may deem wise and important for the improvement of the roads.

Annual statements. SEC. 18. That the board of road commissioners shall make an annual statement of all their doings and proceedings to the board of county commissioners at their regular meeting in September of each year, which statement shall be recorded and preserved by the register of deeds in a suitable book, which shall be subject to the inspection of the public; and the register of deeds shall receive the same fees for such services as he receives in other like cases.

Fees of register.

Powers under general law. SEC. 19. That the board of commissioners shall have all the powers and jurisdiction given to the board of county commissioners and justices of the peace in chapter sixty-five of The Revisal of one thousand nine hundred and five and the amendments thereto, and may exercise the same where not inconsistent with this act; and the provisions of said chapter and the amendments thereto, where not inconsistent herewith are to remain in force.

Entry on land for material. SEC. 20. That for the purpose of repairing and constructing and improving the public roads, the supervisor or other officers employed by said board shall have authority to enter upon any uncultivated land near to or adjoining the roads, to cut and carry away timber, except trees or groves left for ornament or shade, to dig or cause to be dug and carried away gravel, earth, sand or stone which may be necessary to repair or improve said road, to make such drains or ditches through the same as may be necessary for the benefit of the

Drains or ditches.

Obstructing drains or ditches. road, doing as little injury to the land as possible; and any person willfully obstructing or resisting the performance of these duties, or willfully obstructing such drains or ditches when made, shall be guilty of a misdemeanor. And any such supervisor, officer or employee maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

Damaging land a misdemeanor.

Continuation of present law. SEC. 21. That the roads of said township shall be worked until the first day of June, one thousand nine hundred and eleven, under the laws in force on January first, one thousand nine hundred and eleven.

Repealing clause. SEC. 22. That in the event this act shall be adopted as herein before provided, then all laws and clauses of laws in conflict with

this act are hereby repealed so far as they effect Harrellsville Township.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

#### CHAPTER 479.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO ISSUE BONDS TO SETTLE THE DEBT OF THE COUNTY, TO ESTABLISH A COUNTY HOME, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying the outstanding and floating debt of the county of Lee, establishing, equipping and maintaining a home for the poor of the county, and improving the public buildings and grounds belonging to the county, the board of commissioners of said county of Lee is hereby authorized and empowered to issue bonds of said county to an amount not to exceed twenty five thousand dollars, and to be in denominations of not less than one hundred nor more than five hundred dollars; and the said bonds shall be payable to bearer not less than twenty nor more than thirty years from date of issue, the particular period to be fixed by the board of commissioners at the time of the sale of said bonds. The said bonds shall have coupons attached, representing the interest on said bonds, which interest shall be payable semi-annually, and the said bonds and coupons shall be prepared under the direction and supervision of the board of commissioners, and shall bear interest at the rate of five per centum per annum.

Purpose of bond issue.  
Bond issue authorized.  
Amount.  
Denominations.  
Maturity.  
Interest.

SEC. 2. The said bonds, when issued, shall be signed by the chairman of the board of commissioners, countersigned by the clerk of said board, and attested by the official seal of Lee County, and upon request of any holder or holders of said bonds, the clerk of the board of commissioners of Lee County is authorized and empowered to register said bonds and make the same payable to the order of the registered holder only; and from the date of said registration, which shall be entered upon the face of the said bonds, they shall cease to be payable to bearer.

Authentication.  
Registration.

SEC. 3. That for the purpose of paying the accrued interest on said bonds, and to provide a sinking fund for the payment of the principal when due, the board of commissioners of Lee County shall levy and cause to be collected annually, as other taxes are collected, a tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes, not exceeding

Tax for interest and sinking fund.

- Limit of rate. twenty cents on each one one hundred dollars worth of property, and upon each taxable poll a tax not exceeding sixty cents.
- Bonds not to be sold below par. SEC. 4. No bonds issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest.
- Sale of bonds. Said board of commissioners is hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale, they shall give notice thereof at the court-house door of Lee County, and in one or more newspapers for thirty cents.
- Separate fund. SEC. 5. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the payment of the said outstanding indebtedness of the county existing prior to January first, one thousand nine hundred and eleven, purchasing a suitable site for the aforesaid county home, erecting, establishing and equipping the same, and improving the public buildings and grounds belonging to the county, as the board of commissioners shall adjudge to be necessary; and the said board of commissioners shall cause the treasurer to keep separate accounts of the said funds, so that the condition of the same may at all times be shown: *Provided, however,* that the purchaser or holder of any part of said bonds shall not be required to see to the application of the proceeds of the same.
- Specific appropriation. SEC. 6. The treasurer of the county shall be allowed for disbursing the proceeds arising from the sale of said bonds an amount not to exceed a per centum to be fixed by the board of commissioners of said county, and by them allowed.
- Separate accounts. 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.
- Proviso: duty of purchaser. SEC. 8. That the clerk of the board of commissioners of the said county shall provide a record in his office in which shall be entered and kept the names of every purchaser of said bonds and the number and amount of the bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption; and the bonds and coupons, when redeemed, shall be recorded as redeemed, and shall be destroyed by fire in the presence of the board of commissioners and a record of such destruction shall be made and dated.
- Commission of treasurer. SEC. 9. That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other county taxes, and they shall in respect thereto be liable, officially as well as personally, to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and the bonds given by said officer for the collection of county taxes shall include the taxes levied hereunder.
- Lawful investment for trust funds. SEC. 10. That in order to provide for the safe keeping and investment of the funds arising from the taxes levied under this act over
- Record of bonds.
- Redeemed bonds and coupons to be destroyed.
- Collection of tax.
- Sinking fund accounts.

and above the amount necessary to pay the interest upon said bonds, the treasurer of Lee County shall open upon his books as county treasurer an account to be designated "County Home Bonds Sinking Fund," and all amounts received by said treasurer from the taxes levied hereunder which may not be necessary for the payment of the accrued and accruing interest on said bonds, shall be credited to the said "County Home Bonds Sinking Fund" account, and there kept separate and distinct from all other county funds for the purpose of paying the principal of said bonds at maturity; and the said treasurer is hereby authorized and directed to invest any amounts which may belong to said sinking fund, from time to time, in safe interest bearing securities, payable to said treasurer for the use and benefit of said sinking fund: *Provided*, that no investment of said funds shall be made until the security therefor, and the loan or investment itself, have been approved by the board of commissioners of Lee County; and the treasurer shall be liable on his official bond for the faithful and honest performance of the duties imposed upon him under the provisions of this act. In fixing the bonds of the sheriff and treasurer, the board of commissioners may take into consideration the amount of taxes to be collected by authority of this act, and the amounts to be received by the treasurer under this act, and fix the said bonds at an amount that may safely protect the same.

Credits to sinking fund.

Investments of sinking fund.

Proviso: approval of investments.

Liability of treasurer.

Bonds of sheriff and treasurer.

SEC. 11. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

#### CHAPTER 480.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AND CONSTABLES AT WHITNEL COTTON MILLS IN CALDWELL COUNTY, AND TO PRESERVE PEACE AND ORDER AND TO PROTECT PROPERTY IN SAID VILLAGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever it shall be necessary for the preservation of the public peace, good order and decency, or the protection of life, liberty or property of individuals in the village of Whitnel and within one-half mile of the Whitnel Cotton Mills, situate in Lenoir Township, in Caldwell County, any constable residing in said village of Whitnel and who shall be appointed or elected for said village of Whitnel, or any deputy sheriff or deputy sheriffs appointed by the sheriff of Caldwell County for the section of Caldwell County in which Whitnell is situated, shall have power and authority and it shall be the duty of said constable or deputy sheriff

Extension of police powers.

- to at once procure a warrant, unless the offense is committed in his presence, for the arrest of the body of any person or persons violating the law in Caldwell County in the village of Whitnel within one-half mile of the Whitnel Cotton Mills, and take said person before some justice of the peace residing in the township where said village is located to the end that such persons may have speedy trial and be dealt with as the law directs; and in the meantime and until the cases of such person or persons charged with having violated the law shall be tried and disposed of by the justice of the peace, such person or persons may be confined in a guard house or calaboose provided for that purpose by said officers, unless bail shall be given as provided by law. That it shall be the duty of said constable or deputy sheriff to suppress all disturbances of the quiet and good order in the said village, and to prevent as far as possible all injuries to property in said village, and if said constable or deputy sheriff shall be resisted in the execution of his duty he shall have the power and it shall be his duty to call to his assistance any citizen or citizens, and if such citizen or citizens refuse to aid such officer when called, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Confinement pending trial.**
- Duty of constable and deputy sheriff.**
- Power to summon posse.**
- Refusal to aid officer a misdemeanor.**
- Punishment.**
- Public drunkenness a misdemeanor.**
- Punishment.**
- Use of loud, vulgar or obscene language a misdemeanor.**
- Punishment.**
- Power of entry on premises.**
- Power to summon posse.**
- Territory defined.**
- Justice of the peace.**
- Constable.**
- SEC. 2. That any person found drunk and disorderly on the streets or roads, or in any public place in said village, or on the premises of the said cotton mills in said village, or in one-half mile of said cotton mills, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.
- SEC. 3. That any person who shall use loud and vulgar or obscene language in the said village shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or be imprisoned not more than thirty days.
- SEC. 4. That said constable or deputy sheriff shall have the power to enter the enclosure and houses of any person in the aforesaid village without warrant, when he has good reason to believe that a felony or infamous crime is about to be committed, for the purpose of preventing said violation of the law or for the apprehension of any person so offending, and if necessary, to summon a posse of good citizens to aid him, and all persons so summoned shall have like authority to enter and arrest.
- SEC. 5. That it shall be understood that the village of Whitnel as herein referred to shall include all territory within one-half mile of the Whitnel Cotton Mills in Lenoir township in Caldwell County.
- SEC. 6. That D. M. Cloninger be, and is hereby appointed and constituted a justice of the peace for the period of two years in said village of Lenoir Township, in Caldwell County; and T. A. Wright be and is hereby appointed and constituted a constable in said village

for Lenoir Township in Caldwell County for a period of two years, and such constable shall wear a badge of office while on duty.

Constable to wear badge.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 481.

#### AN ACT TO PROHIBIT THE SALE OF WINE AND CIDER WITHIN TWO MILES OF ST. MATTHEW'S CHURCH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, or offer for sale any cider, wine, beer, beerine or other spirituous, malt or intoxicating liquor or drink by whatsoever name, within two miles of St. Matthew's Holiness church in Hall's Township, Sampson County. Prohibition.

SEC. 2. Any person, firm or corporation violating this act shall be guilty of a misdemeanor, and, upon conviction shall be punished in the discretion of the court. Misdemeanor.  
Punishment.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 482.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS OF CUMBERLAND COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING, IMPROVING AND MAINTAINING THE PUBLIC ROADS OF SAID COUNTY, AND TO PROVIDE FOR A HIGHWAY COMMISSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Cumberland County be and it is hereby authorized and empowered to submit to the vote of the qualified voters of Cumberland County, at such time, or times, as in its discretion, it may deem best, the question as to whether or not the county of Cumberland shall issue coupon bonds in the sum of two hundred thousand dollars (\$200,000), the proceeds of which to be used for the purpose of repairing, grading, making and improving the public roads of said county. The said board of commissioners shall, for at least thirty days preceding the election, Election on bond  
issue authorized.  
  
Notice of election.

give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county: *Provided*, that if the majority of the votes cast at said election shall not vote to issue bonds at the election so held, the said board of county commissioners may submit the said question to the voters of said county at any time or times under the provisions and regulations hereinafter enacted.

Proviso: further election.

Law governing election.

Proviso: appointment of election officers.

New registration.

Count and return of vote.

Tabulation and declaration of result.

Ballots.

Result to be recorded and declared.

Highway commission named.

Notice to commissioners.

Meeting for organization.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars and judges of election and any other election officers, and registration and challenge of votes shall be conducted in the same manner as is now provided, or may hereafter be provided, for the election of members of the General Assembly, and the said board of county commissioners may or may not order a new registration for any or all of the elections herein provided for. The votes shall be counted at the close of the polls, and returned to the said board of county commissioners at a meeting to be held by it on the Thursday next following the election, and said board shall tabulate and declare the result of the election: all of which shall be recorded in the minutes of the board of county commissioners, and no other record and declaration of said election shall be necessary.

SEC. 3. That at said election or elections the ballots cast shall be upon white paper, without device, and shall have written or printed upon them "For good roads bond issue," or "Against good roads bond issue," and all qualified electors favoring the issue of said bonds shall vote for good roads bond issue, and all qualified electors opposing the issue of said bonds shall vote against good roads bond issue.

SEC. 4. In the event that a majority of the votes cast at any election, to be held under the provisions of this act shall be "For good roads bond issue," the result shall be recorded and declared, as aforesaid, and thereupon W. E. Honeycutt, from the northern section of said county; F. A. Marsh, from the southern section; W. McK. Monroe, from the western section; Dr. K. G. Averitt, from the eastern section; and Dr. H. W. Lilly, from the city of Fayetteville, shall be and they are hereby appointed, under the provisions hereof, the highway commissioners of Cumberland County. Said highway commissioners of Cumberland County, upon being notified by the clerk of the board of county commissioners, that at any election, held under the provisions hereof, a majority of the votes cast were for good roads bond issue, shall, on a date to be fixed by said notice, which shall not be more than ten days, from the date of such notice, nor more than fifteen days from the date of the election, assemble in the city of Fayetteville and organize as the high-

way commission of Cumberland County, after taking an oath before some person authorized to administer oaths, to faithfully perform the duties of their said office, to the best of their skill and ability. At the organization meeting of said highway commissioners, the names of all of said commissioners shall be written on slips and placed in a hat, which shall be covered, and said slips shall be withdrawn from said hat by a child under ten years of age. The two highway commissioners whose names shall first be drawn by said child shall serve for two years from the date of their qualification; and the two next highway commissioners whose names shall be drawn by said child shall serve for four years from the date of their qualification, and the other commissioner, above named, shall serve for the period of six years from the date of his qualification. As the terms of said highway commissioners, as above indicated, shall expire, their successors shall be elected for a term of six years, as other county officials are elected, and at the regular elections to be held for the election of members of the General Assembly. The said highway commissioners shall elect one of their members chairman, and another one of their members, or some other competent person, in their discretion, shall be elected secretary, and shall pass such rules and regulations for their government as they shall deem best.

Commissioners to qualify.

Terms of office.

Election and terms of successors.

Organization.

SEC. 5. The highways to be made, opened, built or improved by the highway commission, under the provisions of this act, shall from time to time be determined upon and designated by the highway commission. In determining upon said highways, said highway commissioners shall take into consideration the needs of the entire county of Cumberland, and every part thereof, opening or improving those highways which, in their opinion, will be of benefit to the greatest possible number of people of the county and treating every section of the county with equal justice.

Selection of highways.

Considerations governing selection.

SEC. 6. In the event that a majority of the votes cast at any election, herein provided for, shall be for good roads bond issue, the board of county commissioners shall have prepared bonds in the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, as the board may decide, the total amount to be that provided for in the first section of this act, and said bonds shall bear a rate of interest to be determined before the issue thereof by said board of county commissioners, not exceeding five per centum per annum, with interest coupons attached, payable semi-annually, during the time said bonds shall run, and the principal thereof shall be payable forty years from the date of their issue; said bonds and coupons shall be payable in the standard currency of the United States, at the office of the treasurer of Cumberland County, or elsewhere, as said board of county commissioners may designate, and both the bonds and the coupons shall be numbered consecutively, beginning with the number one, and the coupons shall bear the number

Bond issue.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

of the bonds to which they are attached, and said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and the coupons shall bear the fac simile of the signature of said chairman and clerk, and the said bonds shall have impressed upon them the seal of Cumberland County, and said bonds shall be styled "Cumberland County highway improvement bonds."

Style.

Bonds turned over to treasurer.

Sale of bonds.

Expense of issue and sale of bonds.

Proviso: bonds sealed.

Bonds not to be sold below par.

Specific appropriation.

Proviso: duty of purchasers.

Record of proceedings and bonds.

Proviso: books open for inspection.

SEC. 7. Immediately upon the preparation and signing of said bonds, the said board of commissioners of Cumberland County shall turn over to the treasurer of Cumberland County; who shall be *ex officio* treasurer of the highway commission, all of said bonds without the seal having been impressed thereon, and said highway commission shall have the power to advertise and sell any or all of said bonds under the provisions of this act at such time or times as they shall deem best, for the purpose of raising a fund with which to repair, make and improve the public highways of the county of Cumberland, as aforesaid, the expenses of said advertisement and selling, or any other necessary expenses in regard thereto, shall be paid out of the taxes levied for road purposes for the previous year, by the board of county commissioners, and collected by the sheriff of said county: *Provided*, that before delivering any of said bonds sold under the provisions of this section, and under this act, the chairman and treasurer of said highway commission shall apply to the clerk of the board of county commissioners, whose duty it shall be to affix the county seal to the bonds so sold, and no bonds, nor the coupons thereto attached, shall be of any value until the said seal is so affixed to said bonds.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by said highway commission by sale, exchange or otherwise, for less than their face value, nor shall said bonds, nor the proceeds, be used for any other purpose or purposes than those declared by this act: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said fund. 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 highway commission shall record all of their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold, the number of bonds and their denomination, to whom sold and the number of the coupons attached, must be recorded in said minutes, and the county treasurer shall likewise keep a record of said bonds, showing when sold, to whom sold, the number of bonds and their denomination and the number of coupons attached, and the number of coupons paid and date of such payment: *Provided*, that the minute book and all other books kept by the highway commission, shall at all times be open to the inspection of the commissioners of Cumberland County, and to any citizen and taxpayer of said county.

SEC. 9. When any of said bonds are sold the proceeds of sale shall be turned over to the treasurer of Cumberland County, who shall receive a commission of one per cent only for the handling of the same; that is to say, for receiving and disbursing; and said treasurer shall keep said funds, and all other funds, which may come into his hands, separate from all other funds, and he shall keep separate accounts of the same, and said treasurer shall annually, before any fund, provided for in this act, be paid over to him, execute an official bond, payable to the county of Cumberland in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year, by reason of this act, conditioned for his faithful keeping of the same, and rendering a true account in respect thereto, and in all things holding, dispensing and accounting for the same, as is required by law, which bonds shall be passed upon, accepted and received by said highway commission, and all orders directed to said treasurer for the payment of money under this act, shall state on their face that they are highway orders and to what account they are chargeable, and shall be signed by the chairman and secretary of said highway commission. The fidelity bond of the treasurer above provided for shall be paid from the highway funds of Cumberland County.

Proceeds paid to treasurer.

Commission.

Separate funds and accounts.

Bond of treasurer.

Orders for highway funds.

Premium on treasurer's bond.

SEC. 10. That in case said election shall be in favor of issuing bonds, the said board of commissioners of Cumberland County shall levy annually, on the first Monday in June, a separate road tax for said county of not exceeding twenty cents on the one hundred dollars worth of property, nor exceeding sixty cents on each poll, the subjects of taxation and levying of taxes to be the same on which the said board of county commissioners now are or may hereafter be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund applied (1) to the payment of interest on said bonds, (2) to the opening, improving and maintaining of public highways, under the provisions of this act, and (3) to the creation of a sinking fund for the redemption of said bonds, said sinking fund, as set aside, to be paid by the treasurer of Cumberland County to the sinking fund committee of said county, to be safely invested according to law, and neither the principal nor the interest thereon shall be used for any other purpose than the redemption or payment of the bonds specified in this act: *Provided, however,* that if the State of North Carolina shall become the purchaser or guarantor of the issue of bonds provided for in this act, the interest, and the sinking fund, if necessary, herein provided for, shall be paid to the treasurer of the State of North Carolina, under such rules and regulations as may hereafter be prescribed by law.

Road tax.

Limit of rate.

Collection.

Separate fund.

Application.

Investment of sinking fund.

Proviso: purchase or guarantee of bonds by State.

SEC. 11. That the said highway commission shall, use the fund derived from the sale of said bonds for the purpose of constructing and improving the public highways of said county, and shall pur-

Use of fund.

Machine.	chase and hold such tools, machinery, implements and stock, and
Employees.	employ such overseers, foremen and laborers as said highway commission may deem necessary for said purposes. The board of county commissioners of Cumberland County shall, upon request of the
Road machinery and convict force.	said highway commission, put into the custody and control of the highway commission the road making machinery and convict working force of Cumberland County. The said highway commission, in
Employment of other convicts.	addition to using the convicts of Cumberland County, may employ convicts from other counties, or the convicts of the State, and all convicts, while in the custody and control of said highway commission, shall be employed in the construction, repair, and maintenance of highways, under the provisions of this act, and the expense of maintaining and guarding said convicts, while so employed, shall be paid out of the highway funds of Cumberland County.
Specifications for work.	SEC. 12. All highways built or improved under the provisions of this act shall be so built, or improved, in accordance with specifications to be furnished for the same by the highway superintendent of Cumberland County and in the building, construction and maintenance of said highways, the highway commission of Cumberland County may, in its discretion, employ such free labor as it shall deem wise and prudent, and may also, in addition to working convicts in the construction and improvement of said highways, construct and improve highways by letting the same out to the lowest bidder after notice duly published; all roads, however, to be only in accordance with the specifications for said highway, to be furnished by the road superintendent and no free labor residing in Cumberland County to be worked upon said highways, either under contract with the highway commission, or with the lowest bidder, between the first of April and the first day of August of any year, except such persons as may have contracted or contract to keep up a section or sections of the roads herein provided for, after the same shall have been constructed.
Employment of free labor.	
Roads let to contract.	
Work according to specifications. Limitation on free labor.	
Width of highways.	SEC. 13. That the highways of said county, constructed or improved under this act, shall not be less than twenty feet wide, at least fourteen (14) feet of which shall be properly constructed from sand and clay, or such other material as the highway commission, under the advice of the road superintendent shall deem expedient, and the whole of which highways shall be as straight as practicable and graded with as slight grade as practicable.
Grade.	
Election and qualification of highway superintendent.	SEC. 14. That as soon as the highway commission shall be organized, they shall elect by ballot a highway superintendent for Cumberland County, who shall be a competent and experienced road engineer, having practical experience in the modern construction of highways, and fix his compensation, and the result of said election and salary shall be declared and recorded in the minutes of said highway commission. Said person, so elected, shall take and subscribe an oath for the faithful performance of his duties
Compensation.	
Superintendent to be sworn and to give bond.	

as highway superintendent, and shall execute an official bond in the sum of at least twenty-five hundred dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as such officer. Said bond shall be approved by the highway commission and said highway superintendent shall hold his office for two years, and until his successor be elected and qualified, except that the said highway commission may, for good cause, remove said highway superintendent from his office, and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work when and where directed by the said highway commission and shall have such authority and perform such duties as may from time to time be determined by said highway commission, in accordance with the provisions of this act. Said superintendent shall prepare the necessary specifications for each of the highways to be constructed and improved under the provisions of this act, and no road shall be constructed or improved except in accordance with such specifications and no person shall receive any compensation for work upon any highway of Cumberland County until said work has been inspected and found in accordance with specifications and approved by the highway superintendent.

Term of office.

Power of removal.

Entrance on work.

Authority and duties.

Specifications for work.

Work inspected and approved.

SEC. 15. That said highway commission shall require said superintendent to report to it as often as it may deem necessary and shall also require the treasurer to account to it twice annually and as many more times as said commission may deem necessary for all highway funds, and may require as often as it may deem best, reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.

Reports and accounts.

SEC. 16. It shall be unlawful for any person, performing the duties of a highway commissioner or road superintendent to be directly or indirectly interested financially in any contract relating to the public highways of Cumberland County. In considering all bids and offers made to it, said highway commission may require such bonds or deposits as will guarantee a faithful performance of contracts, and may, in its judgment, reject any and all bids made to it.

Interest of officers in contracts forbidden.

Bonds and deposits on contracts.

SEC. 17. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission, through its agents and servants, are authorized to enter upon any lands and locate and build such highways, and, if the highway commission and the owner or owners of said land can not agree as to the damages, if any, the said highway commission shall, within thirty days after said highway is completed, or, if the highway commission fail to act, the owner or owners shall cause to have appointed by the clerk of the superior court of Cumberland County three disinterested and competent freeholders, who reside in Cumberland County, who shall go upon the lands and assess damages and

Entry on land for construction.

Procedure for assessment of damages.

benefits, the proceedings to be in accordance with sections two thousand five hundred and seventy six to two thousand five hundred and ninety-six, inclusive of both, of The Revisal of North Carolina of one thousand nine hundred and five, so far as applicable to the purposes of this act. But it shall be necessary to file only upon demand of the landowner a map or plat of the lands sought to be condemned.

Continuation of present road law.

SEC. 18. That the passage of this act shall not repeal the road law now in force, applicable to the general working of the public roads in said county, and said road law shall continue in full force and effect until the first sixty thousand dollars of the bonds herein provided for shall have been sold, and the proceeds of the same paid over to the treasurer of Cumberland County, whereupon it shall cease to be operative and effective. Upon the repeal of the present road law of Cumberland County, as provided in this section, the public roads of Cumberland County shall, thereupon, pass under the supervision and control of the highway commission of Cumberland County, and all the duties now performed by the board of county commissioners of Cumberland County and township supervisors, so far as concerns the public roads, shall be performed by said highway commission, who shall have all necessary powers to contract for the maintenance of all public roads, as well as the public highways, as herein defined, and all public roads, as well as public highways, shall be worked only by taxation, as provided for in this act.

Supervision and control of highway commission.

Construction of roads by petitioners.

SEC. 19. That in any case where a new highway or public road is petitioned for to the highway commission of Cumberland County, said commission, as a condition precedent to the establishment of such public highway, or public road, may require the petitioners to first construct the same and put it in good order under the supervision of the road superintendent of Cumberland County.

Employment of physician.

SEC. 20. That said highway commission shall have the authority to employ a physician at any time to assist the county physician in attending the convict working force, and shall also have the power to provide for the care and keep of said convicts, and to provide all things necessary to carry into effect the provisions of this act, and, in addition to employing convicts upon the highways, herein provided for, the said highway commission, in its discretion, may employ such free labor and make such contracts for the building, repairing and maintaining of the highways of the county as it shall deem to the best interests of the county: *Provided*, that no free labor shall be employed to work on the same section of road on which convicts are employed: and *Provided, further*, that the employment of free labor shall be as hereinbefore specified.

Care and keep of convicts.

Contracts.

Proviso: free labor.

Pay of highway ommissioners.

SEC. 21. Each member of said highway commission shall be entitled to receive the sum of three dollars per diem and ten (10) cents mileage, one way, for every day, not exceeding fifteen in one

year, spent in attendance upon the meetings and business of said highway commission.

SEC. 22. The board of commissioners of Cumberland County, by itself, or through its auditing committee, shall audit the accounts of the sheriff for all taxes levied and collected under the provisions of this act, and make settlement of the same between the sheriff and the county treasurer and said highway commission, and may institute and prosecute any necessary action for the recovery of any such road taxes, in case any officer fails to account for the same.

SEC. 23. That any highway commissioner or superintendent, or any other person, making, or causing to be made, any fraudulent order whereby money is to be paid out of the said highway fund herein provided for, shall be guilty of a felony, and shall be punished as for larceny, and any highway commissioner or road superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars and imprisoned, at the discretion of the court.

SEC. 24. All expenses incurred by the highway commission, on account of meetings held by reason of this act, shall be paid out of the fund provided for by this act.

SEC. 25. That the term "highway" in this act shall be understood to mean all public roads designated as such under the provisions of section five of this act, as distinguished from other public roads in the county.

SEC. 26. The highway commissioners shall not use more than the proceeds from the sale of sixty thousand dollars worth of bonds in any one year, over and above the amount paid for machinery, implements and stock, except upon the recommendation of the road superintendent of Cumberland County, and by a two-thirds vote of said highway commission.

SEC. 27. That any person who shall willfully and wrongfully injure any road machinery, or any public road property on any public road or highway of Cumberland County, or obstruct any public road or ditch or drain, or injure any ditch, drain or pipe connected with any public road or highway, shall be guilty of a misdemeanor and punished in the discretion of the court, and, for such violation of the law such person or persons may be sued in a court of a justice of the peace of Cumberland County, and upon proof being made of violation of this section, judgment shall be rendered against him in the sum of fifty dollars, one-half of which shall be paid to the treasurer of Cumberland County, to be credited to the road fund, and the other half to the informer.

SEC. 28. It shall be the duty of the highway commission to cause to be published at the court-house door of Cumberland County, and at least one time in some newspaper published in Fayetteville, N. C., within ten days after the first Monday in December of each year, an itemized statement of its receipts and disbursements, together

with a detailed statement of the work done by it, and in what townships and on what highways such work was done, stating separately the work done under contract, or with free labor, and the work done by convicts, and the number of convicts used during each month of the year.

Vacancies.

SEC. 29. All vacancies in the highway commission caused from death, resignation, or otherwise, shall be filled by the said commission until the next regular general election, whereupon, such vacancy or vacancies shall be filled by election for the unexpired term.

SEC. 30. That this act shall be in full force and effect from and after its ratification, and all laws and parts of laws in conflict herewith are hereby repealed.

Ratified this the 3d day of March, 1911.

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#### CHAPTER 483.

#### AN ACT PROVIDING FOR THE ERECTION OF A NEW COMMON JAIL IN THE COUNTY OF ALEXANDER.

*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. Whereas, the common jail of Alexander County, North Carolina, has become unsafe, unfit and unsanitary for the uses for which it was intended, and, whereas, a new jail is to be erected, and, whereas, the commissioners of said county desire a relocation thereof, the said commissioners are hereby authorized and empowered to sell the present jail of Alexander County, and the land or lot upon which it is situated, at such time, after thirty days advertisement, as in the judgment of the board of commissioners seems proper, and in their discretion, to locate said new jail, at such place as to them may seem best, and they are hereby authorized and empowered to use the proceeds arising from the sale of the present jail and lot in the purchase of a new location or the erection of the new jail.

Preamble.

Preamble.

Sale and re-location authorized.

Use of proceeds.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 484.

#### AN ACT TO PROTECT THE BEECH MOUNTAIN FISHING CLUB IN WATAUGA COUNTY.

*The General Assembly of North Carolina do enact:*

Open season.

SECTION 1. The open fishing season in all waters owned or controlled by the Beech Mountain Fishing Club in Watauga County shall begin on the first day of April and close on the first day of August in each year.

SEC. 2. Any person or persons who are not members of said fishing club or who does not hold a permit from said fishing club, who shall fish in the waters owned or controlled by the said Beech Mountain Fishing Club, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not exceeding thirty days.

Fishing without permit a misdemeanor.

Punishment.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 485.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND SEVEN OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO SEIZURE AND DESTRUCTION OF DISTILLERIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter eight hundred and seven of Public Laws of North Carolina of one thousand nine hundred and nine shall not apply to Cherokee County.

Cherokee stricken out.

SEC. 2. That upon the ratification of this act the Secretary of State shall certify a copy of this act to the county commissioners of Cherokee County.

Copy of act to be sent to commissioners.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 486.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROCKINGHAM COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING, IMPROVING AND PERMANENTLY CONSTRUCTING THE PUBLIC ROADS OF SAID COUNTY WHEN SUCH ELECTION MAY BE DESIRED BY THE PEOPLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Rockingham County be, and it is hereby authorized and empowered to submit to the vote of the qualified electors of Rockingham County the question as to whether or not the county of Rockingham shall issue bonds in the sum of or sums totaling, not exceeding five hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making,

Election on bond issue authorized.

Amount.

Purpose of issue.

improving and permanently constructing the public roads of said county. Said election shall be ordered by said board of commissioners upon its being satisfied that the people of the county so desire such election: *Provided*, such election shall not be called and ordered by said board of commissioners upon a petition of less than fifteen hundred qualified voters of said county: *Provided, further*, that when such petition asking for an election to be held under this act, is presented to said board of commissioners same shall not be acted upon on the day such petition is presented to said board, but said petition shall be filed and remain with the clerk of said board of commissioners and be open to inspection by any person desiring to see same, and said board of commissioners shall forthwith publish for four weeks a notice in one or more newspapers published in Rockingham County, stating that such petition asking for an election to be held under this act, has been filed with said board, stating the time and place such petition will be heard: *Provided, further*, that the validity of the bonds issued under this act shall not be affected by any failure to comply with the requirements of this act in ordering any election hereunder. That said board of county commissioners shall for at least thirty days preceding the election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue said bonds at the election to be held, the board of county commissioners may resubmit the said question to the qualified voters of said county, at any other time or times, under the same provisions and regulations as hereinbefore enacted.

SEC. 2. That any election held under the provisions of this act including the appointment of judges and registrars, shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, at least one of such election officers shall, when possible be opposed to issuing bonds under this act. And registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for election of members of the General Assembly, and that said county commissioners may upon being satisfied that it is necessary to ascertain who are the qualified voters of said county, order a new registration in any township or townships in said county for any election under this act, said registration to apply only to elections under the provisions of this act, and in no way to affect the present registration for county and State officers. Upon the conclusion of said election, the officers of said election shall return the registration and poll books to the board of county commissioners to be filed in the office of the register of deeds for Rockingham County. The vote shall be counted at the close of the polls and returned to the

Proviso: petition for election.

Proviso: action on petition.

Publication of notice.

Proviso: validity of bonds.

Notice of election.

Proviso: further election.

Law governing election.

Proviso: one election officer in opposition. Registration and challenge.

New registration.

Return of registration and poll books.

board of canvassers of Rockingham County, and result of said election shall be canvassed and declared as is now required by law in the election of members of the General Assembly of North Carolina.	Count, return and canvass of votes.
SEC. 3. That at the said election or elections the ballots entered and cast by the qualified voters, shall have written or printed upon them, "For good roads bond issue," or "Against good roads bond issue," and all qualified electors who favor the issuing of said bonds shall vote "For good roads bond issue," and all qualified electors opposed to the issuing of bonds shall vote "Against good roads bond issue."	Ballots.
SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote for "Good roads bond issue" at said election, the result shall be recorded and declared as aforesaid, and the board of commissioners of Rockingham County shall elect twenty-two (22) electors, residents of said county, to be known as the "highway commissioners of Rockingham County"; two members thereof respectively shall be residents of each township. One member from each township shall belong to the dominant political party; the other member from said township shall belong to the party casting the next highest vote in the last election held for county officers prior to the time of his appointment; which said members from the respective townships shall be appointed by the board of county commissioners upon the recommendation of the county executive committees respectively of the two parties above referred to:	Election of highway commissioners.
<i>Provided, however,</i> that if any of said county executive committees above referred to shall fail or refuse to make recommendation to the board of county commissioners, then it shall be the duty of said board of county commissioners to make appointment, keeping within the meaning and spirit of this section. At the first election of said highway commissioners by said commissioners of Rockingham County, six members of said commission shall be elected for two	Residence of members.
years; six members for four years; and ten members for six years:	Political affiliation.
<i>Provided,</i> that the said board of county commissioners shall have power to fill all vacancies caused by death, resignation, or otherwise, for any unexpired term; and that the appointee to fill in vacancies must belong to the same political party and the same township, as that of his predecessor: <i>Provided, further,</i> that as the	Recommendation by party chairman.
term of office of the said highway commissioners shall expire, the board of commissioners of Rockingham County shall elect their successors to same for a period of six years. The twenty-two mem-	Proviso: appointment without recommendation.
bers shall be limited to four meetings per year. That as soon as	Terms of office.
practicable, after the election of said members of the highway commission, they shall meet and each take oath, before some officer authorized to administer oaths, to perform their respective duties of said office to the best of their skill and ability, and shall proceed to	Proviso: vacancies.
organize by electing one of their members chairman of said commission, and another of their members secretary, and another, or	Proviso: election of successors.
	Limit of meetings.
	Meeting for qualification and organization.
	Organization.

Working committee.	some suitable person, treasurer thereof, fixing the compensation of said treasurer, and shall pass such rules and regulations for their government as they shall deem best. At the first meeting, and after the organization of the highway commission, they shall elect a working committee, composed of the chairman and secretary of said highway commission, together with three other members of the commission, and this committee of five (5) shall have immediate charge of and shall carry on the work under this act, being at all times under and subject to the direction and supervision of the highway commission.
Selection of highways.	SEC. 5. The highways to be made, opened, built, or improved by the highway commission, under the provision of this act, shall from time to time be determined upon and designated by the highway commission, and in determining upon said highways, the said commission shall take into consideration the needs of the entire county and every part thereof, with special regard to a complete system of roads which in their opinion will be of benefit to the greatest possible number of people of the county, and treating every section of the county with equal favor and justice. A line shall be drawn by the highway commission across Rockingham County east to west, and another line shall be drawn across the county north to south, both lines passing through the center of the county, and not less than forty per cent (40%) of the said five hundred thousand dollars (\$500,000), or forty per cent (40%) of whatever amount may be voted on and expended shall be expended by the said highway commission on each side of both lines east to west and north to south.
Considerations governing selection.	The roads determined upon and selected by the highway commission to be built shall continue from point to point, and shall connect each section with the other, so that no road shall be built in sections without said sections connecting, at all times disregarding the corporation lines of any and all towns, building said roads without break, cessation, or interruption through towns with the same permanency and durability as roads constructed through the unincorporated sections of the county: <i>Provided, however,</i> that construction and treatment of such roads within corporate limits, shall be subject to approval of, and agreement with the constituted authorities of such corporations or municipalities.
Apportionment of bond fund.	SEC. 6. In the event that a requisite majority of the qualified electors of said county shall vote "For good roads bond issue" at said election, the result shall be declared and recorded as aforesaid, and the board of county commissioners of Rockingham County shall have prepared bonds in the denomination of one thousand dollars (\$1,000); five hundred dollars (\$500); or one hundred dollars (\$100). or mixed, the total amount thereof not to exceed that provided for in the first section of this act; and the said bonds shall bear a rate of interest to be determined upon before the issue thereof by the said board of county commissioners not exceeding, however,
Connections of roads.	
Roads through towns.	
Proviso: approval of town government.	
Bond issue.	
Denominations.	
Amount.	
Interest.	

five per cent (5%) per annum, with interest coupons attached; payable semi-annually during the time said bonds shall run, and the principal thereof shall be payable, three-tenths in value of said bonds in thirty years, four-tenths in value of said bonds in forty years, and three-tenths in value of said bonds in fifty years, from date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Rockingham County at Wentworth, or at such place as shall in the discretion of the board of county commissioners be indicated in the face of said bonds and coupons; and both bonds and coupons shall be numbered consecutively, beginning with the number one; and both bonds and coupons shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the common seal of said county. The said bonds shall be styled "Rockingham County Highway Improvement Bonds."

SEC. 7. Immediately upon preparation and signing of said bonds the said board of county commissioners of Rockingham County shall turn over to the chairman of the highway commission all of said bonds, without the county seal having been affixed, and said highway commission shall have the power to advertise and sell any or all of said bonds at such time or times as they shall deem best for the purpose of raising a fund with which to repair, lay out, improve, or permanently construct the public highways (and bridges) of said county as aforesaid. The expenses of said advertising and selling or any other necessary expenses in connection therewith, shall be paid out of the taxes levied for road purposes for the previous year by the board of county commissioners and collected by the sheriff of said county: *Provided*, that before delivering any of said bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the custodian of the seal of Rockingham County, whose duty it shall be to affix and attest said county seal to the bonds so sold, and no bond shall be of any value until said seal is so affixed and attested.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said highway commission by sale, exchange or otherwise, for less than their face value; nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said fund. 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 where payable, and said bonds shall show by what authority they are issued. The said highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same

Maturity.

Authentication.

Style.

Bonds turned over without seal.

Advertisement and sale of bonds.

Expenses.

Proviso: bonds sealed when sold.

Bonds not to be sold below par.

Specific appropriation.

Proviso: duty of purchaser.

Bonds and coupons numbered.

Record of proceedings and bonds.

are sold, the number of bonds and their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute book and all other books kept by the highway commission shall at all times be open to the inspection of any taxpayer of Rockingham County.

Proviso: books open for inspection.

Proceeds of bonds to treasurer.

Separate funds and accounts.

Bond of treasurer.

SEC. 9. When any of said bonds are sold the proceeds of the sale shall be turned over to the treasurer of the highway commission. He shall keep said fund and all other funds which may come into his hands separate from all other funds and he shall keep separate accounts of same. And said treasurer shall annually before any fund provided for in this act be paid over to him, execute an official bond payable to the county of Rockingham, in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year, by reason of this act, conditioned for his faithful and safe keeping of the same and the rendering of a true and accurate account in respect thereto, and in all things holding and disbursing and accounting for same as required by law: which bond shall be passed upon, accepted and received by said highway commission. All orders directed to said treasurer for the payment of money under this act, shall state on their face that they are highway orders, and to what account they are chargeable and shall be signed by the chairman and secretary of said highway commission.

Orders on road funds.

Road tax.

Tax rate.

Application of tax.

Road funds.

Specific appropriation of sinking fund.

Management and investment.

Proviso: purchase of bonds.

SEC. 10. If said election shall be in favor of issuing bonds as aforesaid, the board of commissioners of Rockingham County shall levy annually on the first Monday in June of each year, a separate road tax for said county of not exceeding 30 cents on the \$100 property value, nor exceeding 90 cents on each poll, the subjects of taxation and levying of taxes to be the same as those on which the said board of county commissioners are now or may hereafter be authorized to levy taxes for general county purposes, and the same shall be a separate fund, applied, first, to the payment of interest on the said bonds; second, to the creation of a sinking fund for the redemption of said bonds; third, to the opening, improving, constructing, repairing, and (or) upkeep of said roads under the provisions of this act. All funds arising from and under the last mentioned or third appropriation of foregoing tax levy as well as all other funds derived from road tax levies, general or special, in Rockingham County, and not in this act otherwise specifically appropriated, shall be paid into the hands of the treasurer of the board of highway commissioners, and disbursed under and upon the orders of said board. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon, shall be used for any other purpose. The said board of county commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of said bonds: *Provided, however*, that

said board of county commissioners may in their discretion, from time to time, use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

SEC. 11. That the highway commission shall use the funds derived from sale of said bonds for the purpose of constructing and improving the public highways in the said county as indicated in section five, with the utmost expedition consistent with due regard to economy and excellence of construction, and said road improvement and permanent construction shall preferably be done by contract, in so far as it involves extraordinary repairs or construction. But it shall be lawful for the highway commission through the working committee to direct and cause said improvement, repairs and construction to be done on behalf of the highway commission acting for Rockingham County under the supervision of the roadway superintendent hereinafter provided for and under such rules and regulations as it shall promulgate, and to this end, and for the further purposes of relieving the board of county commissioners of said duties and placing the ordinary and usual repairs and upkeep of the public highways of Rockingham County permanently under the control, care and direction of the said board of highway commissioners of Rockingham County, upon the request of the chairman of the said highway commission, the said county commissioners shall turn over to the highway commission any and all machinery, implements, live stock, convict road force, and other road working utilities, now or hereafter owned or held by the said Rockingham County, and under the control and direction of the said board of highway commissioners, and it shall be lawful for the said board of highway commissioners to retain and use any or all of such utilities in county roadway repairs, upkeep or construction or in its discretion it may make other such lawful disposition of any part or all thereof, as in its best judgment may seem for the best interests of the county: *Provided*, that said convicts and live stock, while in the custody and control of said highway commission shall be employed in the construction, repairs and (or) upkeep of highways under the provisions of this act, and the expenses of maintaining and guarding said convicts and the proper and humane care and keep of said live stock shall be paid out of the funds derived under or from the provisions of this act.

Construction and improvement of highways.

Work preferably by contract.

Alternative system.

Implements, stock and convict force.

Proviso: use and maintenance of convicts and live stock.

SEC. 12. That it is the purpose and intent of this act, that if the questions proposed herein to be submitted to a vote of the electors of Rockingham County shall carry by an affirmative majority of the qualified electors of said county, it shall be so recorded and declared as hereinbefore provided for, such recordation and declaration shall automatically abolish and rescind all laws of the State of North Carolina, in so far as they relate to roadways in Rockingham County, and no farther, inconsistent with the provisions of this act; otherwise all of said laws of North Carolina relating to roads in Rockingham County shall remain in full force and

Repeal of present laws.

Supervision of and responsibility for road work.

Rules and regulations.

Width and grade of roads.

Election of highway superintendent.

Oath and bond of superintendent.

Premiums on bonds of superintendent and treasurer.

Term of superintendent.

Power of removal.

Entrance on work.

Authority and duties.

Accounts and reports.

effect; and if so abolished the entire discretion, supervision of, and responsibility for the care, repair and upkeep and construction of roadways in Rockingham County shall pass from the board of county commissioners to the board of highway commissioners, except as otherwise provided for in this act. And the duties thus devolving shall be discharged under such rules and regulations within the provisions of this act as may from time to time be adopted by said board of highway commissioners of Rockingham County. That the highways in said county of Rockingham constructed or improved under this act shall not be less than twenty nor more than forty feet wide, unless under extraordinary conditions, the board of highway commissioners shall in their best judgment decide otherwise, and the whole length of said roads shall be as straight as expediently practicable and reasonably graded.

SEC. 13. That as soon as the highway commission shall deem it necessary they shall elect, by ballot, a highway superintendent for said county of Rockingham and fix his compensation: the result of said election shall be declared and the result shall be recorded in the minutes of the proceedings of said highway commission. Said person so elected shall, before entering upon his duties, take and subscribe to an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of not less than twenty-five hundred dollars (\$2,500), or for such an increased amount as the said board shall deem proper and expedient, conditioned upon the faithful performance of his duties, and a true accounting for all moneys and property which may come into his hands as said officer. Said bond shall be approved by said highway commission and filed with the secretary of said board. The premiums on the official bonds given by the treasurer of the highway commission for the proper discharge of his duties and the bond given by the highway superintendent, shall both be paid by said commission as a part of the expense of said road building. Said highway superintendent shall hold his office for two years and until his successor be elected and qualified, except and provided that said highway commission may, for any good cause or whenever in their judgment the public interests entrusted to their care may be served thereby, remove said highway superintendent from his office, and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work, when and where directed by said highway commission or said "working committee," selected by said highway commission, and shall have such authority and perform such duties as may be from time to time determined by said highway commission, and said "working committee."

SEC. 14. That said highway commission shall require the treasurer of said commission to account to them semi-annually for said highway fund, and may require as often as deemed best, reports from the officers and employees concerning their progress in their duties

and to what extent and in what manner they have performed the same: *Provided*, the board of county commissioners shall at least annually audit, either through a committee of its own members or a competent expert, the books, accounts, documents and other matters pertaining to the office of the treasurer of the board of highway commissioners, submitting a report of said audit to the board of highway commissioners, as well as a copy thereof to the board of county commissioners and the board of county commissioners shall cause the publication of said report as part of the annual county exhibit required by law to be published. Proviso: annual audit.  
Publication of report.

SEC. 15. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways, and if the highway commission, and the owner or owners of said land can not agree as to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned five freeholders, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided, further*, that before entering upon lands as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highways are to be located upon such land under the authority of this act. Entry on land for location and construction.  
Assessment of damages.  
Proviso: notice to landowners.

SEC. 16. That said highway commission shall have the authority to employ a physician at any time to assist the county physician in attending the convicts working the public highways, and shall also have power to provide for the care and keeping of said convicts, and to provide all things necessary to carry into effect the provisions of this act. Physician for convicts.  
Care and keeping of convicts.

SEC. 17. That said highway commission shall be entitled to the same per diem and mileage as the board of commissioners of Rockingham County, and the said "the Board of Highway Commissioners" shall convene only in four stated or fixed meetings annually, and they shall receive pay for only four meetings annually; the dates whereof shall be determined and recorded in the minutes of its organization meeting, and the duration of the sessions of said meetings shall be according to its discretion and the necessary requirements of the public business entrusted to the said board by the provisions of this act: *Provided*, that special session or meetings of the "working committee" of the said highway commission may be convened at any time by the secretary of said commission, by order of the chairman or upon request in writing by three members of said committee; and it shall be the duty of the secretary to mail to the usual address of each member of the "working committee" a card notice thereof, in advance of all meetings, whether stated or special. Pay of highway commission.  
Proviso: special sessions of working committee.

Settlements with officers.

SEC. 18. The board of commissioners of Rockingham County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between the said sheriff and county treasurer, and said board of county commissioners, and may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fails to account for same.

Fraudulent orders a misdemeanor.

SEC. 19. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor, and be fined or imprisoned, at the discretion of the court, or both, and shall be removed from office, and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars.

Punishment.

Failure of duty a misdemeanor.

Neither the treasurer, sheriff, or any tax collecting officer in Rockingham County, or other person whatsoever, shall be allowed any commission whatsoever on any amount received or disbursed by said officer, if said amount has been derived from the sale of the said five hundred thousand dollars issue of bonds for road improvement: *Provided, further,* that the board of county commissioners may for good and sufficient cause remove any one or more of the highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes, observing at all times the political equation in filling said vacancies.

Punishment.

No commissions allowed.

Proviso: power to remove highway commissioners.

Payment of expenses.

SEC. 20. That all expenses incurred by the highway commission on account of meetings held by reason of duties imposed by this act shall be paid upon their order out of the funds provided for by this act.

Expedition of work.

SEC. 21. That it shall be the duty of the board of highway commissioners, as it is the intent of this act, to expedite the construction of the highways of Rockingham County, that may be determined upon by said commission as provided by this act, with the utmost expedition consistent with due regard to economy, and the said commission is hereby expressly empowered and directed to carefully and thoroughly inform itself by diligent investigation and consultation with approved authorities upon road building for the purpose of determining the exact character of roads that will best meet the needs and conditions and uses respectively of each and every road in Rockingham County before proceeding to construct same.

Study of work.

Expense of study.

And the expenses which shall be incurred in securing this information shall be defrayed out of the funds derived from the sale of aforesaid bond issue as a part of the cost of said road construction; and it is further provided, that the board of highway commissioners of Rockingham County shall have authority to employ the services

Consulting engineers.

of consulting engineers from time to time, periodically or otherwise, as the circumstances shall in their judgment seem to warrant.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

### CHAPTER 487.

#### AN ACT TO AUTHORIZE A SPECIAL TAX ELECTION FOR FREE SCHOOL BOOKS IN FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners for the county of Forsyth, for the purpose of furnishing to the children in the public schools of the said county free school books, shall annually levy and collect the necessary amount of special tax not exceeding ten cents on the hundred dollars worth of property and thirty cents on the poll, preserving the constitutional equation, said amount of tax to be annually determined by said board upon consideration of reports and estimates by the county board of education and by the graded school boards in the county, and the taxes levied and collected under the provisions of this act shall be placed by the county treasurer to the credit of the county board of education, and of the several graded school boards in the county, to be applied exclusively for the purchase of the necessary school books to be furnished free of cost to the children in the public schools of the county, and to remain the property of the county, under such rules and regulations as may be prescribed by the said boards.

SEC. 2. That no tax shall be levied or collected by virtue of this act except upon the approval of the majority of the qualified voters of Forsyth County expressed at an election called by the board of commissioners of said county, to be held at such date as may be fixed by said board after thirty days notice published at the courthouse door and in one or more newspapers of the county, at which election the question shall be submitted whether or not such special annual tax for free school books shall be levied; those favoring said special tax to vote a ticket upon which shall be written or printed the words "For Special Annual Tax"; those opposing to vote a ticket upon which shall be written or printed the words "Against Special Annual Tax." Said election shall be held as nearly as may be under the laws governing general elections, except that the registrars and judges of election shall be appointed by, and returns of elections made to, and canvassed, and the result declared by, the said board of commissioners of Forsyth County. If a majority of the qualified voters of the county shall vote "For Special Annual

Tax for free school books.

Rate.

Specific appropriation.

Tax subject to approval of voters.

Date for election.

Notice of election.

Tickets.

Law governing election.

Effect of election.

Petition for election.

Tax," then the said board of commissioners shall annually levy and collect the tax as provided in section one of this act. Said election shall be called when as many as one-fourth of the qualified voters of Forsyth County shall petition the board of county commissioners therefor.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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#### CHAPTER 488.

AN ACT TO AUTHORIZE UPPER LITTLE RIVER AND OTHER TOWNSHIPS IN HARNETT COUNTY TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF THE CENTRAL CAROLINA RAILROAD.

*The General Assembly of North Carolina do enact:*

Petition for election.

SECTION 1. That upon presentation of a written petition to the board of county commissioners of Harnett County, signed by one-third of the resident taxpayers of Upper Little River Township, Lillington Township or Neill's Creek Township, in Harnett County, requesting that an election be called for such townships or for either one of said townships, to vote upon the question of issuing bonds in the amount of twenty thousand dollars for each township, with interest bearing coupons, to aid in the construction of the Central Carolina Railroad, from Broadway, in the county of Lee, in an easterly direction through Upper Little River Township to the town of Lillington; thence through Lillington Township, the northern part thereof, into Neill's Creek Township to the town of Buie's Creek, said petition to be recorded on the minutes of said board, it shall be the duty of the said board of county commissioners to call an election to be held within sixty (60) days, after the presentation of the said petition, at the polling place or places in the township or townships, petitioning, and present to the qualified voters of said township or townships the question of the issuance of bonds for said purpose, the said bonds to be issued upon the terms and conditions hereinafter set forth. The said board of county commissioners shall for at least thirty (30) days preceding the election, give public notice of the same, and in said notice stating the purpose of the election, by publishing the same at the court-house door at Lillington, in the county of Harnett, and at three other public places in each township asking for an election, and also by publishing the said notice in some newspaper having a general circulation throughout Harnett County.

Amount and purpose of bond issue.

County commissioners to call election.

Question presented.

Notice of election.

New registration.

SEC. 2. That the said board of commissioners shall order a new registration of the voters of each township petitioning for an elec-

tion; that the registration and challenge of voters shall be conducted in the same manner and under the same law governing the election of members of the General Assembly now existing, or which may hereafter be enacted, except as hereinafter provided: *Provided*, that the said board of county commissioners shall appoint the registrars and judges of election, and all other election officers; that the registrars and judges of election, shall at the close of the polls count the votes, certify the results, and on or before the second day after the election shall make returns to the board of county commissioners, and the said board of county commissioners shall, on or before the fourth day after the election, canvass and return the same to be entered on the minutes of the said board, and no other recording and declaration of the results of said election shall be necessary.

Registration and challenges.

Proviso: appointment of election officers.

Count and return of votes.

Canvass of returns.

SEC. 3. That at the said election, the ballots tendered and cast by the qualified voters shall have written or printed, or partly written and partly printed, on them the words "For Bond Issue" or "Against Bond Issue," and all qualified voters favoring the issuing of bonds, upon the terms and conditions herein stated shall vote "For Bond Issue" and all qualified voters not favoring the issuing of the said bonds shall vote "Against Bond Issue."

Ballots.

SEC. 4. In the event that a majority of the qualified voters of the said townships, or any one of them, petitioning for election, shall at said election vote for the said bond issue, the said board of county commissioners shall have prepared bonds, in such denominations as said board may direct, the total amount to be twenty thousand (\$20,000) dollars for each township, wherein the majority of the qualified voters shall have voted for the bond issue, with interest bearing coupons attached, at a rate to be determined by said board: *Provided*, the same shall not be less than four nor more than six per centum per annum, payable semi-annually during the time said bonds shall run, and the principal of said bonds shall be payable at the end of twenty years from the date of the issue; said bonds and coupons shall be payable at the office of the treasurer of Harnett County; both the bonds and the coupons shall be numbered consecutively, and shall be signed by the chairman of the board of county commissioners and shall be countersigned by the clerk of the said board, and the said bonds shall have impressed upon them the official seal of the register of deeds of Harnett County. The said bonds shall be styled "Township Bonds to aid in the construction of the Central Carolina Railroad," and the said bonds and coupons shall express upon their face that they are issued for and on account of the said township or townships, wherein the issue is voted upon favorably, and that they are payable out of the taxable property and polls of said township or townships.

Bond issue.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Style of bonds.

SEC. 5. That the board of county commissioners are authorized and empowered to issue and deliver to the Central Carolina Rail-

Exchange for railroad bonds.

road Company the bonds herein provided for, upon the receipt of a like amount of said railroad company's first mortgage bonds, to run lateral with and mature at the same date as the said township bonds, and bear the same rate of interest, payable at the same time as the interest of the said township bonds; the said township bonds to be delivered as follows, viz: The amount issued by Upper Little River Township, when the said railroad is completed through the said township; the amount issued by Lillington Township, when the said railroad is completed from a point on the western edge of said township to the corporate limits of the town of Lillington; and the amount issued by Neill's Creek Township when the said railroad is completed to the town of Buie's Creek in the said township; said railroad to be standard guage road. That the said road first mortgaged bonds hereinbefore referred to, shall be held in trust by said board of commissioners for the benefit of said township; and all interest accruing therefrom shall be applied in the same manner as the taxes hereinafter provided for.

SEC. 6. That it shall be the duty of the said board of county commissioners of Harnett County to levy annually, on all the taxable property and polls in each township voting for bonds, a separate tax sufficient in amount to pay the interest on said bonds and to establish a sinking fund to pay the principal of said bonds, the proceeds of which shall be applied, first, to the payment of interest on said township bonds, and, secondly, to create a sinking fund for the redemption of said bonds; said tax to be collected in the same manner as now provided by law for the collection of all other taxes. That such taxes shall be held in trust by said board of commissioners for the benefit of the said townships, and none of said taxes shall be applied to any other purpose than that herein provided for; but said sinking fund may, in the discretion of said board of commissioners, be invested in municipal, county or State bonds, or in notes secured by first mortgage upon real estate situate in said townships for an amount not greater than the taxable value of said real estate: *Provided*, that the bonds issued under the provisions of this chapter may, in their discretion, be refunded and retired by the commissioners of Harnett County and such refunding bonds if issued by them shall be styled "Harnett County Refunding Bonds," and when issued shall be held and disposed of in the same manner and subject to the same provisions governing the "improvement bonds" authorized herein: *Provided, further*, that if the said Central Carolina Railroad Company shall fail or refuse to build said road within two years from the date of the ratification of this act, then such townships through which it has failed to build, and the county commissioners, are hereby released from the force and effect of this act, so far as it applies to said townships, and the same shall be null and void as to such townships.

Condition of exchange.

Application of railroad bonds.

Tax for interest and sinking fund.

Specific appropriation.

Investment of sinking fund.

Proviso: power to refund bonds.

Proviso: failure to build railroad.

SEC. 7. That for the purposes of this act, the townships of Upper Little River, Lillington and Neill's Creek, are each hereby declared to be bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all of the rights and be subject to all the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of Harnett County are hereby declared to be corporate agents of said townships so incorporated.

SEC. 8. This act shall be in force from and after its ratification. Ratified this 3d day of March, 1911.

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### CHAPTER 489.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CUMBERLAND COUNTY TO SELL THE PRESENT COUNTY HOME, AND PURCHASE A NEW SITE AND ERECT A NEW HOME THEREON; AND TO USE THE SURPLUS PROCEEDS OF SAID SALE, IF ANY, TO HELP DEFRAY THE EXPENSE OF ESTABLISHING A HOUSE OF CORRECTION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Cumberland County be and they hereby are authorized to sell and convey the present county home for the aged and infirm, including all buildings, lands and other property connected therewith, or any part of the same, if in the opinion of said board a sale thereof shall be deemed advisable and for the best interests of said county.

SEC. 2. That any sale made under authority of this act may be made either publicly or privately, as the said board may deem for the best interests of the county: *Provided*, that in the event of a public sale, the same shall be conducted as foreclosure sales of real estate are now conducted, or as near as may be; and no sale, whether public or private, shall be deemed as consummated until approved by a unanimous vote of all the members of the board of county commissioners.

SEC. 3. That a deed of conveyance for said land and property signed in the name of the board of commissioners of Cumberland County, or in the name of said county, by the chairman of said board, attested by the register of deeds as clerk of said board, with the county seal attached, acknowledged substantially in the same form as now provided for deeds of corporations, or as near as may be, shall be deemed a sufficient legal conveyance thereof: *Provided*, however, that this form of conveyance shall not exclude any other proper legal form of conveying the same, which the purchaser might prefer.

New site.

SEC. 4. That said board of commissioners is hereby authorized to designate a new site for a new home for the aged and infirm for said county, at any regular or special meeting of said board, with or without notice, at such location as they may deem most suitable and for the best interests of the county, and to purchase the same at the lowest price and on the best terms obtainable, and to use the proceeds from the sale of the old county home, or so much thereof as may be necessary, in paying for said new site, for the erection of all necessary buildings thereon, and for all other needed improvements to said premises.

Purchase.

Application of surplus.

SEC. 5. Any surplus funds remaining from the proceeds of said sale, after making said payments, may be used by the board of commissioners of Cumberland County in providing for the establishment of a house of correction in said county, and in purchasing all necessary grounds therefor, and erecting all necessary buildings thereon, and in fully equipping the same, as and for the purposes now provided by law, so far as the said funds may extend, in the event said board of commissioners shall decide to establish the same, solely, or jointly with any other county or counties.

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, in so far as they relate to the county of Cumberland.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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#### CHAPTER 490.

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO ISSUE BONDS TO AID IN ESTABLISHING AND EQUIPPING A TEACHERS' TRAINING SCHOOL IN WESTERN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.

SECTION 1. That the board of commissioners of the county of Buncombe be and they are hereby authorized and empowered to issue interest bearing coupon bonds of said county not to exceed the sum of seventy-five thousand dollars for the purposes hereinafter designated if a majority of the qualified voters of said county, at an election to be held for that purpose, shall vote in favor of issuing said bonds. That said bonds shall be of such denominations as said board of commissioners shall determine, shall be due and payable not less than twenty nor more than thirty years after date and shall bear interest from date at a rate not exceeding five per cent per annum, payable semi-annually on the first days of January and July of each year at such place as said commissioners

Amount.

Approval of voters.

Denomination of bonds.

Maturity.

Interest.

may determine and specify in said bonds, which interest shall be represented by interest coupons attached to said bonds and said bonds shall be issued under the seal of said county and shall be signed by the chairman of the board of county commissioners and attested by the clerk of said board, and said coupons shall be signed by said chairman or a fac simile of his signature printed or engraved thereon. Authentication.

SEC. 2. That the said board of county commissioners, before issuing said bonds or any of them, shall call an election to be held in the various voting precincts in said county, at which the qualified voters of said county shall have the privilege of voting for or against the issuing of said bonds, and those who favor the issuing of said bonds shall vote a written or printed ballot with the words "For Teachers' Training School" written or printed thereon and those opposed to issuing said bonds shall vote a written or printed ballot having the words "Against Teachers' Training School" written or printed thereon. Election to be called.  
Ballots.

SEC. 3. That the said board of county commissioners shall give thirty days notice of the time and place of such election by publication in one or more newspapers published in said county, specifying therein the amount of bonds proposed to be issued under this chapter, and may, in their discretion, order a new registration of the voters in said county or any part thereof for the purpose of said election. Notice of election.  
New registration.

SEC. 4. That it shall be the duty of the said board of county commissioners to appoint registrars and judges of said election, who shall hold the same at the several election precincts in said county at the time specified and under the same rules and regulations, as near as may be, as are prescribed by law for holding elections for members of the General Assembly, and the said registrars and judges of election of the various precincts shall make out in writing their returns of said election, showing the number of qualified voters registered in each precinct in said county, and the number of votes cast for issuing bonds, and the number of votes cast against issuing said bonds, which said returns shall be sealed up and delivered to the chairman of the board of county commissioners or to the clerk of said board by twelve o'clock noon on the second day after said election. Election officers.  
Law governing election.  
Returns.

SEC. 5. That the chairman of the said board of county commissioners shall, on Monday immediately succeeding said election, cause the said board of commissioners to meet in special session, and in the presence of such persons as may choose to attend, the said board shall open, count and tabulate the returns of said election and cause the same to be recorded on the minutes of said board. If for any reason any precinct of said county shall fail to make such return then the board of commissioners shall use such method as it may deem proper and lawful to procure the said returns from such Canvass of returns.  
Procurement of missing returns.

- Declaration of result. precinct. After said returns shall have been received, opened and counted, said board of commissioners shall declare the result of said election and have the same recorded on the minutes of their proceedings.
- Effect of elections. SEC. 6. That if a majority of the qualified voters of said county shall vote at said election in favor of issuing said bonds, then in that event, the said board of county commissioners may issue and sell said bonds, or such portion thereof as may be determined, which said bonds shall not be sold or otherwise disposed of for less than par and accumulated interest.
- Bonds not to be sold below par. SEC. 7. That said board of commissioners shall use the proceeds of said bonds only for the purpose of aiding in procuring the necessary land and buildings and the necessary equipment, at some point within the said county of Buncombe, for a teachers' training school for the education and training of young white men and women to teach in the schools of the State of North Carolina, and to better discharge the duties of life, if the establishment and maintenance of such school shall be authorized by the General Assembly of North Carolina, and the same located by the State board of education at some point in the county of Buncombe as is provided by an act of the General Assembly passed at its present session, entitled "An act to provide for the establishment and maintaining of a teachers' training school in Western North Carolina."
- Specific appropriation. SEC. 8. That if said bonds shall be issued and sold under the provisions of this act then the board of commissioners of the county of Buncombe shall, at the time other taxes are levied, levy annually a special tax upon all the property of said county subject to taxation sufficient in amount to pay the interest on said bonds as the same becomes due and payable and to pay the principal of said bonds at maturity.
- Tax for interest and bonds. SEC. 9. That this act shall be in force from and after its ratification.
- Ratified this 3d day of March, 1911.

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#### CHAPTER 491.

### AN ACT TO PROTECT DEER AND OTHER ANIMALS ENCLOSED IN PARKS.

*The General Assembly of North Carolina do enact:*

Description of fence.

SECTION 1. That the owner or owners of enclosed parks having deer, elk or other untamed animals of like and kindred habits enclosed or confined therein, when said park shall be surrounded with a wire fence seven and a half feet or over in height with not less than seventeen strands of wire to every seven and a half feet in

height at any point or portion thereof, and to be spaced as follows: first eight spaces from the bottom shall be not more than four inches in width, next three spaces shall be not more than five inches apart, next space six inches, next space seven inches, next two spaces not more than eight inches, and last space not more than twelve inches, and with the bottom strand not more than two inches from the ground anywhere along said fence so constructed, as to prevent deer, elk and other animals of like or kindred habits from escaping therefrom when left to their ordinary and natural surroundings and inclinations, shall have the right to kill any dog or dogs found therein chasing or annoying deer, elk or other animals of like or kindred habits enclosed therein, when said dog or dogs are unaccompanied by their owner.

Rights of park owners.

SEC. 2. That the owner or owners of any deer parks surrounded and enclosed as specified in section one of this act, shall not be liable to the owner or owners of a dog or dogs that may be killed or wounded, when done within the restrictions set out in section one of this act.

Park owners not liable.

SEC. 3. That the owner or owners of the dog or dogs that shall do any damage to deer, elk or other animal of like or kindred habits enclosed in parks protected as specified in section one of this act by fences, either by killing or wounding said deer, elk or other animal of like kindred habits is confined in such enclosed parks, or by chasing or annoying said deer, elk or other animal enclosed therein so as to cause said deer, elk or other animal to escape from said enclosed park, shall be liable to the owner or owners of said deer, elk or other animals so killed, wounded or caused to escape for all damages sustained.

Owners of dogs liable for damages.

SEC. 4. That deer, elk or other untamed animals within the meaning of this act, found within such enclosed parks as specified in section one of this act, shall be prima facie the property of the owner or owners of said parks: *Provided*, that this act shall not apply to any park or parks which may have any trap doors, inclines or other devices on the outside of said fence, by which deer or other like animals may enter except by gates or draw bars.

Animals, property of park owners.

Proviso: excepted parks.

SEC. 5. That this act shall apply to the county of Transylvania only.

Application of act.

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 this the 3d day of March, 1911.

## CHAPTER 492.

## AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF UNION COUNTY TO APPOINT A COTTON WEAIGHER FOR INDIAN TRAIL.

*The General Assembly of North Carolina do enact:*

Appointment authorized.

SECTION 1. The county commissioners of Union County are hereby authorized and empowered to appoint a cotton weigher for the town of Indian Trail in said county, and to make such appointment at such time hereafter as they may see proper, whose term of office shall expire at the same time fixed by law for the expiration of other cotton weighers in said county, and who shall be subject to all the laws and regulations governing cotton weighers in said county, and shall take the same oath as other cotton weighers and file a like bond as other cotton weighers in such amount as said commissioners may fix.

Term of office.

Oath of office.

Vacancy.

SEC. 2. In case said office shall become vacant by death, resignation or otherwise said commissioners are empowered to fill such vacancy and to appoint a successor.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

## CHAPTER 493.

## AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND THIRTEEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO FISHING IN CERTAIN STREAMS IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Diversion of water forbidden

SECTION 1. That chapter seven hundred and thirteen, Public Laws of one thousand nine hundred and seven, be amended as follows: Add the following after section two as section two and one-half: "That it shall be unlawful for any person or persons, whether abutting landowners or not, to divert any of the waters of said Black Creek in Elevation and Pleasant Grove townships, into private canals, ditches, ponds or pools, for the purpose of seining the same or setting nets or fish traps therein in violation of section one of said chapter seven hundred and thirteen, Public Laws of one thousand nine hundred and seven. And it shall also be unlawful for any person or persons to place any nets or obstructions of any kind in or across said waters, to divert fish into any private canal, ditch, pond or pool. Any person or persons maintaining any seines or nets

Diversion of fish forbidden.

Misdemeanor.

or private canals, streams, pools, ditches or ponds on said stream for the purposes mentioned in this section, and failing or refusing within thirty days after the ratification of this act, to remove the same, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, at the discretion of the court. Punishment.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 494.

#### AN ACT RELATING TO TRESPASS UPON THE LANDS OF ANOTHER IN PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That each and every person who shall enter upon the lands of another after having been personally forbidden to do so, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace, shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days, in the common jail of the county, for each and every offense. Entrance on land after warning a misdemeanor.  
Punishment.

SEC. 2. That each and every person who shall enter upon the lands of another, which are lawfully posted, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace, shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days, for each and every offense. Entrance on posted lands a misdemeanor.  
Punishment.

SEC. 3. This act shall only apply to Pender County. Application of act.

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

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 495.

#### AN ACT TO PROVIDE FOR THE PROTECTION OF SHEEP IN WATAUGA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to keep or have in his possession, as owner or otherwise, and allow the same to run at large, any dog of any kind, which he Sheep killing dogs, not to run at large

knows, or by exercising reasonable care, should know, will kill or otherwise injure of its own accord sheep or other domestic animals.

Misdemeanor.

SEC. 2. That any person who as owner, or otherwise, has such dog, and allows the same to run at large, and it, by being allowed to so run at large, wrongfully kills or injures any sheep or other domestic animals, such party shall be guilty of a misdemeanor, and shall be imprisoned not exceeding thirty days or fined not exceeding fifty dollars: *Provided*, that if said person, firm or corporation shall pay to the party whose sheep or other domestic animals have been killed or injured, what said animals are reasonably worth, taking into consideration the amount of damage done as shall be adjudged by three freeholders selected for that purpose, one to be selected by each of the parties, and the other to be selected by the two parties agreed upon, and all costs due to the sheriff and justice of the peace before the case is heard before said justice, then said justice shall dismiss the action.

Punishment.

Proviso: action dismissed on ayment.

Application of act.

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

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

Ratified this the 3d day of March, 1911.

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## CHAPTER 496.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING, MAINTAINING AND OTHERWISE IMPROVING THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Purpose of bond issue.

SECTION I. That for the purpose of permanently improving, building, maintaining and otherwise working the public roads of Richmond County the board of commissioners of said county, upon the petition of a majority of the qualified voters of said county, is hereby authorized, empowered and directed to issue coupon bonds of said county to an amount not exceeding fifty thousand dollars, said bonds to be in denominations of not less than one hundred dollars, bearing interest from the date of issue, at a rate not to exceed six per cent per annum, payable semi-annually, such bonds to be of such form and tenor and transferable in such way and the principal to be payable at such time or times not exceeding thirty years from the date of the issue of said bonds and at such place or places as the said board of county commissioners may determine: *Provided*, that the said board of county commissioners shall advertise the sale of said bonds and invite bids for the same, but none of said bonds authorized by this act shall be disposed of, either by sale, exchange,

Petition for bond issue.

Amount.

Denominations.

Interest.

Maturity.

Proviso: advertisement for sale of bonds.

hypothecation or otherwise, for a less price than their par value and accrued interest: *Provided, further,* that the said board of county commissioners may direct that the bonds issued pursuant to this act may be registered. Bonds not to be sold below par. Proviso: registration of bonds.

SEC. 2. The said bonds shall be numbered and shall be signed by the chairman of said board of county commissioners and attested by the clerk of said board, with the corporate seal of said county of Richmond affixed thereto, and the coupons shall bear the engraved or lithographed signature of the chairman of the said board of county commissioners. Authentication.

SEC. 3. The board of county commissioners shall have a record kept of all the bonds issued under the provisions of this act in a book provided for that purpose, showing to whom the bonds are sold, the amount and date of sale and the number and date of the maturity of each bond. Record.

SEC. 4. In order to pay the interest upon said bonds, the board of commissioners of Richmond County or other authority vested with the power of levying taxes in Richmond County shall annually compute and levy at the time of levying other taxes a special tax upon the polls and upon the real and personal property and other subjects of taxation in said county, always observing the constitutional equation between the levy on polls and property: *Provided,* that after ten years from the date of the issue of said bonds the said board of county commissioners or other authority vested with the power of levying taxes in Richmond County shall annually compute and levy, in addition to the levy of the special tax to pay the interest on said bonds, a special tax of not exceeding thirty cents on each poll and ten cents on each one hundred dollars valuation of property for the purpose of creating a sinking fund, to be used either in the purchase of said bonds or any of them in the open market or to pay off said bonds at their maturity. Special tax. Constitutional equation. Proviso: tax for sinking fund. Rate.

SEC. 5. That it shall be the duty of the said board of county commissioners to annually invest any and all moneys arising from the special tax for said sinking fund in the purchase of any of said bonds at prices deemed advantageous, but in the event that the said bonds can not be purchased at prices deemed advantageous by said commissioners, the said sinking fund shall be invested by said commissioners in bonds of the United States, North Carolina State bonds, of any county, city or town of the State of North Carolina or upon notes or bonds secured by a deposit of any of the aforesaid bonds as collateral security or upon notes or bonds secured by mortgage on real estate, such loans on real estate not to exceed two-thirds of the assessed taxed valuation of said real estate. Investment of sinking fund.

SEC. 6. The proceeds of the sales of the bonds herein authorized shall be paid over to the treasurer of the said county of Richmond, to be disbursed by him upon proper vouchers issued by order of the said board of county commissioners, and the said proceeds of the Proceeds paid over to treasurer. Vouchers.

Deposit of funds. sales of said bonds shall be deposited in such national or other banks as may be designated by the board of county commissioners, at such rate of interest as may be agreed upon between such banks and the board of commissioners: *Provided, further*, that the said treasurer shall receive in full compensation for all services rendered by him in relation to said money a commission not exceeding one-half of one per cent upon the total amounts disbursed by him: and *Provided, further*, that if the said treasurer shall give corporate surety on said bond the premium charge for such bond shall be paid by the said board of county commissioners from and out of the money arising from the proceeds of the sale of the bonds authorized by this act.

Proviso:  
compensation of  
treasurer.

Proviso:  
premium on  
treasurer's bond.

Expenses of  
issuing bonds.

SEC. 7. That all the expenses incident to the preparation, issue and sale of said bonds shall be paid by the said board of county commissioners from and out of the proceeds of the sales of said bonds.

Use of funds.

SEC. 8. That the money arising from the sale of said bonds shall be expended by the board of county commissioners in constructing and maintaining permanent roads in said county of Richmond after the most modern and approved methods: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said money for the purposes aforesaid.

Proviso:  
responsibility of  
purchaser.

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

Ratified this the 2d day of March, 1911.

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#### CHAPTER 497.

### AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF DARE COUNTY TO OPEN LONG CREEK AND MIDDLE CREEK.

*The General Assembly of North Carolina do enact:*

Removal of dikes  
authorized.

SECTION 1. That county commissioners of Dare County be and are hereby empowered to remove the dikes that now hold the water in Long Creek and Middle Creek in Dare County, and empty the same in Roanoke Sound.

Expense paid by  
county.

SEC. 2. All expenses of removing the said dikes shall be paid by the county.

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

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

Ratified this the 3d day of March, 1911.

## CHAPTER 498.

## AN ACT TO MAKE IT UNLAWFUL TO KEEP FOR SALE INTOXICATING LIQUORS IN THE COUNTY OF BUNCOMBE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation other than duly licensed druggists under the laws of North Carolina, to have or keep for sale, barter or exchange or disposition for gain in the county of Buncombe, any spirituous, vinous, or malt liquors, the sale of which is now or may hereafter be prohibited by law. Keeping liquors for sale forbidden.

SEC. 2. That if any person, firm or corporation other than duly licensed druggists shall have or keep in his possession in person, by agent or otherwise any such intoxicating liquors to the quantity of more than two gallons in said county, such ownership or possession thereof shall be *prima facie* evidence of his keeping the same for sale within the meaning of this act. Possession prima facie evidence.

SEC. 3. That upon the filing of an affidavit made by any responsible person before any judge of the superior court, any police justice or judge or any presiding officer of any criminal, police or municipal court, or the mayor of any incorporated city or town in said county, exercising criminal jurisdiction therein, that any person, firm or corporation is violating this act, or that such affiant has reason to believe that any person, firm or corporation is keeping on hand liquors for sale, prohibited by this act, which reason shall be set forth in said affidavit and the suspected premises described therein, if such officer shall deem such reason sufficient, it shall be his duty to issue a warrant to any lawful officer of said county, directing him to search the suspected premises and if he shall find any intoxicating liquors thereon in excess of two gallons, to take all such intoxicating liquors so found in his possession, or so much as may be necessary to be used as evidence on the trial of a charge against the said person or persons for violating this act, and it shall be *prima facie* evidence of his keeping it for sale in violation of this act. All liquors held as evidence if not claimed within reasonable time after the trial of said charge, shall be by order of the court poured out and destroyed: *Provided, however,* no warrant shall be issued under this section to search any premises used exclusively as a private residence. Affidavits for search warrants.  
Issue of warrant.  
Liquors held as evidence.  
Provido: private residence excepted.

SEC. 4. That any person, firm or corporation violating the provisions of this act, in person, by their agents, servants and employees, as well as such agents, servants and employees, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court. Violation of act misdemeanor.  
Punishment.

SEC. 4a. That this act shall apply also to the counties of Madison and Columbus. Application of act.

Ratified this the 2d day of March, 1911.

## CHAPTER 499.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO ISSUE BONDS IN THE SUM OF THREE HUNDRED THOUSAND DOLLARS TO BUILD, MACADAMIZE AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Issue of road bonds authorized.

SECTION 1. That for the purpose of building, grading, macadamizing and otherwise improving the public roads of Anson County, the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds of the county to an amount not exceeding three hundred thousand dollars (\$300,000), in denominations not exceeding one thousand dollars (\$1,000), bearing interest from the date thereof of not exceeding the rate of five per centum per annum, with interest coupons attached, payable semi-annually at such times and places as may be directed 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 forty years from the date thereof, and at such place or places as the said board of county commissioners may determine: *Provided*, 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.

Amount.

Denominations.

Interest.

Maturity.

Proviso: bonds not to be sold below par

Authentication.

SEC. 2. Such bonds and coupons shall be numbered and shall be signed by the chairman of said board of commissioners and attested by the treasurer of said county, and shall bear the corporate seal of said county.

Record.

SEC. 3. A record shall be kept by the said board of commissioners in a separate book for that purpose, of all bonds sold, and to whom, the amount and date of sale, and the issuing of each bond and its number.

Tax for interest, sinking fund and road fund.

SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and supporting the chain gang or convict force, and establishing, altering and maintaining the public roads and highways of said county in good condition, the board of commissioners for the county of Anson, or other authorities vested with levying taxes for said county, shall annually compute and levy at the time of levying other county taxes, a sufficient tax on all polls, all real estate and personal property and all other subjects of taxation which said commissioners or other authorities now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between the tax on property and the tax on polls: *Provided*,

Constitutional equation.

there shall not be at any time levied in the county of Anson for the purpose of road improvement, and including all expenditures made necessary by this act, a tax greater than thirty cents upon the hundred dollars of property and ninety cents on each poll.

Proviso: limit of rate.

SEC. 5. That said taxes when collected shall be kept separate and apart from all other taxes and shall be used only for the purpose for which it was collected.

Tax kept separate.

SEC. 6. That it shall be the duty of the board of commissioners for the county of Anson 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 board of commissioners, and to be agreed upon between them and the owners thereof. But in case said county bonds can not be purchased, the said commissioners shall invest said sinking fund upon approved security and upon terms advantageous to said county.

Investment of sinking fund in bonds.

the legal rate of interest in North Carolina, and any interest from

Alternative investment.

SEC. 7. That any money of said sinking fund so loaned shall have the legal rate of interest in North Carolina, and any interest from said fund shall be annually invested in the same way.

Interest on sinking fund loans.

SEC. 8. That the money arising from the sale of said bonds shall be used to purchase improved road working machinery, to survey, to lay out, grade, macadamize, improve and maintain the public roads of said county by contract or otherwise, and in guarding and maintaining such convict force as may from time to time be assigned to work on said road: *Provided*, that as money is derived by sale of said bonds that the commissioners of Anson County are required and empowered to let by contract, the working and building of said roads in said county, otherwise than the amount that is necessary to maintain chain gang and convict force.

Appropriation of proceeds of bonds.

SEC. 9. That the bonds herein provided for shall be deposited in some safe deposit company or bank to be designated by said board of commissioners, and only drawn out on the joint order of the said board of commissioners and the treasurer of said county, the proceeds of which shall be applied to the purposes as herein provided for.

Proviso: roads to be let to contract.

Deposit of bonds.

SEC. 10. For the purpose of ascertaining the wishes of the voters of Anson County upon the question of issuing such bonds and improving the roads as provided for in this act, an election shall be held at all the voting precincts in said county of Anson on the first Tuesday in May in the year one thousand nine hundred and eleven (1911), it being the second day of the said month of May.

Order for withdrawal.

Election on bond issue.

At said election all voters in Anson County qualified to vote at said election may vote a written or printed ticket. Those who favor the purposes of this act shall vote a ticket with the words "For road improvements" written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against road improvements" written or printed thereon. And if a majority of the voters of Anson County qualified to vote at said

Date of election.

Tickets.

Effect of election.

Law governing election.	election shall vote "For road improvements," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be held in the manner provided by law for the election of members of the General Assembly, except as is otherwise or differently provided in this act.
New registration.	There shall be a new registration of said voters of said county for said election, and the registration books for said new registration
Time of registration.	shall be opened from the first day of April, one thousand nine hundred and eleven, at twelve o'clock noon, and shall be closed on the twenty-ninth day of April, one thousand nine hundred and eleven,
Challenge day.	at sunset. The registrars and judges of election of each precinct shall meet at their respective precincts on Saturday, the twenty-ninth day of April, one thousand nine hundred and eleven, at nine o'clock a. m., and shall hear any complaint for refusing or registration and also all challenges which may be made against any person admitted to registration. But no name shall be erased from the registration list without notice to said person and a hearing, and said hearing may be on said date or any day after the registration books shall have closed to and including the day of election. The registrars and judges of election shall be appointed by the board of commissioners for the county of Anson not later than the first Monday in March, one thousand nine hundred and eleven, and the
Appointment of election officers.	list of persons so appointed shall be published for two weeks in some newspaper published in Anson County during the month of March, one thousand nine hundred and eleven. There shall be appointed one registrar and two judges of election for each precinct, and the said registration and election shall be held in all respects like elections for members of the General Assembly are held, except as is otherwise or differently provided in this act. At the close of the election in each precinct the votes shall be counted and returned, over the signature of the registrars and judges of election, or a majority of them, to the board of commissioners for the county of Anson. Abstracts or blanks for this purpose shall be prepared by said board of commissioners and furnished to each precinct, and the registrar or one judge of election shall be chosen as a messenger to transmit said returns to said board of commissioners. Said returns shall be executed in triplicate. One copy shall be transmitted as aforesaid to the board of commissioners of the county of Anson, one copy to the clerk of the superior court of said county, and one copy retained by the registrar of each precinct. On the
Publication of list.	second Monday in May, one thousand nine hundred and eleven, being the eighth day of said month, and the Monday succeeding the election the board of commissioners for the county of Anson shall meet as a canvassing board and shall receive the returns of said election, and shall canvass and judicially pass upon the same and declare the result of said election. If a majority of the voters of Anson County qualified to vote at said election shall have voted
Registrar and judges.	
Count and return of votes.	
Abstracts or blanks.	
Messengers.	
Returns in triplicate.	
Canvass of returns.	
Effect of election.	

“For road improvements” then the bonds provided for in this act shall be issued and sold. At any election held under this act any person who shall not have been entitled to registration while the said registration books were open for registration, but shall have become entitled to registration after said registration books were closed, and before or on the day of election, shall be entitled to register on the day of election and vote.

SEC. 11. That if a majority of the voters of Anson County qualified to vote at the election hereinbefore provided for shall fail to vote “For road improvements” at such election, then and in that event the same question may again be submitted to the voters of Anson County by order of the board of commissioners for the county of Anson at such time or times as said board of commissioners shall designate and appoint in the year one thousand nine hundred and twelve (1912), in the years one thousand nine hundred and thirteen (1913), one thousand nine hundred and fourteen (1914), and one thousand nine hundred and fifteen (1915): *Provided*, that if at any such election a majority of the voters of said county qualified to vote in any such election shall vote “For road improvements,” then no further election shall be held on said question, but the board of commissioners of said county of Anson shall proceed to issue and sell bonds of said county to an amount not exceeding three hundred thousand dollars (\$300,000), in the manner and for the purposes specified hereinbefore. There shall be a new registration for each and every election. Such elections shall be held in the manner provided by law for the election of members of the General Assembly, except as is otherwise or differently provided in this act. The board of commissioners of Anson County shall, at least forty days before any such election, appoint one registrar and two judges of election for each precinct, and a list of the persons so appointed shall be published for two weeks next succeeding this appointment in some newspaper published in said county. The registrar of each precinct shall be furnished with a registration book by said board of commissioners, and it shall be his duty between the hours of nine (9) o'clock a. m., and sunset on each day (Sunday excepted) for twenty (20) days preceding the day for closing the registration books, as hereinafter provided, to keep open said registration books for the registration of any electors residing within such precinct and entitled to registration. The said registration books shall be closed for registration at sunset on the second Saturday before each such election. On each Saturday during the period of registration the registrar shall attend with his registration book at the polling place of his precinct for the registration of voters; it shall be the duty of the registrar to attend the polling place in his precinct on the Saturday preceding the election from the hour of nine (9) o'clock a. m., to the hour of three (3) o'clock p. m., when and where the said books shall be open to inspection of the electors of the

Registration on election day.

Further elections.

Proviso: affirmative rate.

New registration.

Appointment of election officers.

Publication of lists.

Registration.

Time of registration.

- Challenge day.      precincts, and any of said electors shall be allowed to object to the name of any person appearing on said books: *Provided*, nothing herein contained shall prohibit any elector from challenging all objecting to the name of any person registering or offering to register at any other time than that above specified. Challenges or objections shall be heard and disposed of in the manner specified in the general election law of this State. At the close of the election in each precinct the votes shall be counted and returned, over the signatures of the registrar and judges of election, or a majority of them, to the board of commissioners for the county of Anson. Abstracts or blanks for this purpose shall be furnished by said board of commissioners, and the registrar or one judge of election shall be chosen as a messenger to transmit the said returns. Said returns shall be executed in triplicate, and one copy shall be transmitted as aforesaid to the board of commissioners for the county of Anson, one copy to the clerk of the superior court of said county and one copy shall be retained by the registrar. On the Monday next succeeding the election the board of commissioners for the county of Anson shall meet as a canvassing board and shall receive the said returns of election, shall canvass and judicially pass upon the same, and shall declare the result of the election. If a majority of the voters of Anson County qualified to vote at such election shall have voted "For road improvements," then the bonds provided for in this act shall be issued and sold according to the provisions hereinbefore set forth.
- Proviso: challenges.      **SEC. 12.** That this act shall not be construed as repealing any part of chapter five hundred and seventy-one (571) of the Public Laws of one thousand nine hundred and seven (1907), except in so far as the said chapter or any part thereof may be repugnant to any part of this act.
- Count and return of votes.      **SEC. 13.** That when the board of commissioners for the county of Anson shall have issued and sold the bonds provided for in this act, said board of commissioners shall thereafter levy no tax under the provisions of chapter five hundred and seventy-one (571) of the Public Laws of one thousand nine hundred and seven (1907).
- Abstracts or blanks.      **SEC. 14.** That convicts who shall be at work upon the public roads of Anson County when this act is adopted by a majority of the qualified voters of Anson County, shall serve their sentence under this act.
- Messengers.      **SEC. 15.** In the event that this act shall be adopted by the voters of Anson County, as herein provided, the board of county commissioners of said county shall establish working centers in each of the townships of said county as follows, to wit: Wadesboro, Ansonville, the intersection of the Wadesboro and Monroe roads in Burnsville Township, or such other point in said township as said board of county commissioners may determine upon, Polkton, Peachland, White Store, Cason's Old Field, as herein provided, Lilesville, and
- Returns in triplicate.      **SEC. 16.** That the board of commissioners for the county of Anson shall have issued and sold the bonds provided for in this act, said board of commissioners shall thereafter levy no tax under the provisions of chapter five hundred and seventy-one (571) of the Public Laws of one thousand nine hundred and seven (1907).
- Canvass of returns.      **SEC. 17.** That convicts who shall be at work upon the public roads of Anson County when this act is adopted by a majority of the qualified voters of Anson County, shall serve their sentence under this act.
- Effect of election.      **SEC. 18.** In the event that this act shall be adopted by the voters of Anson County, as herein provided, the board of county commissioners of said county shall establish working centers in each of the townships of said county as follows, to wit: Wadesboro, Ansonville, the intersection of the Wadesboro and Monroe roads in Burnsville Township, or such other point in said township as said board of county commissioners may determine upon, Polkton, Peachland, White Store, Cason's Old Field, as herein provided, Lilesville, and
- Construction of act.      **SEC. 19.** That the board of commissioners for the county of Anson shall have issued and sold the bonds provided for in this act, said board of commissioners shall thereafter levy no tax under the provisions of chapter five hundred and seventy-one (571) of the Public Laws of one thousand nine hundred and seven (1907).
- Tax abolished.      **SEC. 20.** That convicts who shall be at work upon the public roads of Anson County when this act is adopted by a majority of the qualified voters of Anson County, shall serve their sentence under this act.
- Convict work.      **SEC. 21.** In the event that this act shall be adopted by the voters of Anson County, as herein provided, the board of county commissioners of said county shall establish working centers in each of the townships of said county as follows, to wit: Wadesboro, Ansonville, the intersection of the Wadesboro and Monroe roads in Burnsville Township, or such other point in said township as said board of county commissioners may determine upon, Polkton, Peachland, White Store, Cason's Old Field, as herein provided, Lilesville, and
- Working centers.      **SEC. 22.** That the board of commissioners for the county of Anson shall have issued and sold the bonds provided for in this act, said board of commissioners shall thereafter levy no tax under the provisions of chapter five hundred and seventy-one (571) of the Public Laws of one thousand nine hundred and seven (1907).

such other points in either of the townships in said county, as said board of county commissioners may direct. As near as practicable the said board of commissioners shall provide for, and erect the work upon the public roads of said county to begin at the point herein designated, and prosecuted from said points under the direction of the board. The board of county commissioners shall determine which road shall be worked, in the course of succession, and may at any time direct work to begin, and prosecuted upon any cross roads bisecting the roads leading from the working centers herein designated, and shall have authority to discontinue work at such point on either of the roads of said county as may appear to them advisable. In working the roads of Wadesboro Township, the work may commence, and be prosecuted from Wadesboro, and from such other points, and upon such roads as the commissioners may direct.

Selection of roads.

Work in Wadesboro Township.

SEC. 16. The work herein provided for shall be under the direction of the board of county commissioners of Anson County, who shall appoint a road superintendent for said county, who shall be a civil engineer, and who has had experience in road building and all of which work shall be under his superintendence. The commissioners shall fix his compensation, and may appoint such other subordinates as may be necessary for the successful prosecution of the work.

Direction of county commissioners.  
Road superintendent.

Compensation and subordinates.

SEC. 17. The board of county commissioners of Anson County may allow or disallow the treasurer of said county commissioners on the taxes which may go into his hands, or be disbursed under the provisions of this act, and may allow or disallow compensation for receiving and disbursing funds derived from the sale of bonds herein provided for.

Commissions of treasurer.

SEC. 18. In the event that the provisions of this act shall be adopted by the qualified voters of Anson County, as herein provided, a special act for the improvement of the public roads in precinct number two (2) of Lanesboro Township, enacted and ratified at the present session of the General Assembly, is hereby repealed, otherwise it shall remain in full force and effect.

Lanesboro Township law.

SEC. 19. In prosecuting the work provided for under this act, the board of county commissioners of Anson County, acting with the road superintendent, may direct the change of route or location of any public road in said county, and may enter upon all adjacent lands for supplies of gravel, sand, dirt, or other road material. In settlement of all claims for right-of-way, road bed, and materials, in the event the same can not be agreed upon by the board of county commissioners and the claimant, the same shall be arbitrated by three arbitrators, one of which shall be elected by the board of county commissioners, and the other by the claimant, and the two thus selected shall select a third arbitrator.

Location and change of route.

Material.

Claims for damages.

Exclusion of  
Morven.

SEC. 20. That this act shall not apply to Morven Township in Anson County.

Certified copy.

SEC. 21. Immediately after the passage of this act the Secretary of State shall send a certified copy of the same to the register of deeds of Anson County.

SEC. 22. This act shall be in force from and after its ratification. Ratified this the 2d day of March, 1911.

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### CHAPTER 500.

#### AN ACT FOR THE RELIEF OF J. C. WATSON, EX-SHERIFF OF LEE COUNTY.

*The General Assembly of North Carolina do enact:*

Over payment  
refunded.

SECTION 1. That, whereas, J. C. Watson, while sheriff of Lee County, because of an error in the report made to the auditor of the taxes of said county, paid to the State in State taxes for the year one thousand nine hundred and nine the sum of eighty-three dollars and sixty cents; a warrant upon the treasurer shall issue in favor of the said J. C. Watson for the sum of eighty-three dollars and sixty cents, which shall be paid to him by the treasurer out of any funds on hand available for said purpose.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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### CHAPTER 501.

#### AN ACT TO PROHIBIT DRUNKENNESS AND DISORDERLY CONDUCT UPON THE GROUNDS OF HODGES INSTITUTE, IN BLADEN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Cursing or use of  
indecent  
language  
forbidden.

SECTION 1. That it shall be unlawful for any person or persons to curse or use indecent language upon the grounds or premises of Hodges Institute in Bladen County, North Carolina, at any time, or near enough thereto, upon any public occasion, to disturb those assembled, or to go or be upon the grounds or premises of said institute in an intoxicated condition, or carrying upon his person any liquors, wines, ciders or other intoxicating beverages, or to have the same near enough to said premises upon any public occasion to be a source of annoyance, or to act in a boisterous or disorderly manner upon said premises or grounds, or near enough thereto to be and become a source of annoyance.

Drunkenness or  
possession of liquor  
forbidden.

Boisterous or  
disorderly conduct  
forbidden.

Punishment for  
violation of act.

SEC. 2. Any person or persons violating the provisions of this act shall, upon conviction, be fined not more than fifty dollars or

imprisoned not more than thirty days, or both, in the discretion of the court.

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

Ratified this the 25th day of February, 1911.

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CHAPTER 502.

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF UNION COUNTY AND STANLY COUNTY TO CONSTRUCT A BRIDGE ACROSS ROCKY RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Union County and of Stanly County are hereby authorized and empowered to expend out of the funds of their respective counties such sum as in their judgment may be proper for the construction of a bridge across Rocky river at a point as near as possible in a line between Monroe and Albemarle. Said board may determine the amount to be contributed by each county to secure such bridge and in order to lessen the costs to each of said counties said commissioners are allowed and empowered to co-operate upon such agreement between said boards as to the amounts to be contributed by each of said counties, and as to the time and cost of same and as to the rules and regulations to govern the use of said bridge by the public, and as to keeping it in repair and its general supervision, as may seem expedient to said boards of commissioners. And said boards are hereby authorized and empowered, at their discretion to negotiate, and construct such bridge at said point, at such time as they may think best, and are empowered to for the construction thereof.

Expenditure for bridge authorized.

Location.

Apportionment of cost.

Co-operation.

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

Ratified this the 3d day of March, 1911.

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CHAPTER 503.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, AND CHAPTER ONE HUNDRED AND EIGHTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO THE PUBLIC ROADS OF HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter five hundred and six, Public Laws of one thousand nine hundred and seven, be and the same is hereby repealed, and section two of chapter one hundred and

Law repealed.

- Law re-enacted. eighty-six, Public Laws of one thousand nine hundred and three be and the same is hereby re-enacted.
- County commissioners in charge of roads. SEC. 2. That the words "board of township road supervisors" in chapter one hundred and eighty-six, Public Laws of one thousand nine hundred and three, and in chapter five hundred and six, Public Laws of one thousand nine hundred and seven, be stricken out wherever it appears, and insert in lieu thereof the words "board of county commissioners."
- Township superintendents. SEC. 3. The board of commissioners of said county shall, at their regular meeting in June, one thousand nine hundred and eleven, and every year thereafter at their regular meeting in June, appoint a superintendent of roads for each of the various townships of said county, whose duties shall be the same as those prescribed for superintendents in chapter five hundred and six, Public Laws of one thousand nine hundred and seven.
- Duties.
- Road duty. SEC. 4. That all able-bodied male persons of the county, between the ages of eighteen and forty-five, except residents of incorporated cities and towns, shall work on the public roads of said county not to exceed six days of nine hours each, at such time and place and in such manner as may be designated by the superintendent of roads: *Provided*, that the superintendent of roads in each township shall give to each person of his township who is subject to road duty at least two 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*, any person may pay to the superintendent, at the time he is warned in to work, the sum of one dollar per day for each day summoned to work the roads, in lieu of working the same. All money so paid to said superintendent, as herein provided, shall immediately be turned over to the county treasurer, and by him credited to the road fund of the township from which same was paid: *Provided*, no person shall be required to work on any road outside the township in which he resides: *Provided, further*, this section shall not apply to any township in said county, except such township as may be required to operate under this section by the board of county commissioners.
- Proviso: warnings.
- Proviso: commutation.
- Commutation credited to county road fund.
- Proviso: work in township of residence.
- Proviso: application.
- Repealing clause. SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.
- When act effective. SEC. 6. That this act shall be in force from and after June first, one thousand nine hundred and eleven.  
Ratified this the 3d day of March, 1911.

## CHAPTER 504.

## AN ACT TO CREATE AND ESTABLISH THE OFFICE OF AUDITOR FOR THE COUNTY OF MECKLENBURG.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of auditor for Mecklenburg County is hereby created, which said office shall be filled by the election of a competent, discreet person capable of discharging the duties thereof, by the board of commissioners of said county on the first Monday in June, one thousand nine hundred and eleven and annually thereafter; the said auditor when so elected shall give bond with sufficient sureties in the sum of five thousand (\$5,000) dollars, payable to the county of Mecklenburg for the faithful discharge of the duties of said office, and shall receive such salary or compensation as may be fixed by the said board of commissioners, who shall likewise have power to fill all vacancies in said office caused by death, resignation, or otherwise.

SEC. 2. The said auditor shall have all the powers, discharge all the duties and be subject to all the pains and penalties now conferred and imposed upon registers of deeds by sections two hundred and sixty-eight (268), three hundred and eleven (311), one thousand three hundred and twenty-four (1324), one thousand three hundred and eighty-two (1382), one thousand three hundred and ninety-eight (1398), one thousand four hundred and seven (1407), two thousand six hundred and sixty-six (2666), two thousand six hundred and sixty-seven (2667), two thousand six hundred and sixty-eight (2668), three thousand five hundred and ninety-eight (3598), four thousand one hundred and ten (4110), four thousand nine hundred and twenty-eight (4928), five thousand two hundred and thirty-eight (5238), five thousand two hundred and thirty-nine (5239), five thousand two hundred and forty (5240), five thousand two hundred and fifty-six (5256), five thousand two hundred and eighty-three (5283), five thousand two hundred and ninety (5290), of The Revisal of North Carolina and all acts amendatory thereof, and shall likewise have all the powers, discharge all the duties and be subject to all the pains and penalties specifically imposed upon registers of deeds by the other taxing laws of said State, including the revenue and machinery acts as the same shall be enacted from time to time. And in addition to the foregoing powers, duties and obligations conferred and imposed upon the said auditor, it shall be his duty to investigate and inquire as to all delinquent taxpayers and require all untaxed property and polls, as well as under valued property, to be placed on the tax list for taxation; to assist and cooperate with tax listers and assessors to the end that all real and personal property, subject to taxation in

Office created.

Election.

Bond of auditor.

Salary.

Vacancies.

Powers and duties under Revisal.

Further powers and duties.

Duties in connection with tax listing.

Duties as county accountant.	<p>said county, shall be listed and assessed for taxation; to act as accountant for the county and as such supervise and examine at least once every quarter all books, accounts, receipts, vouchers and other records of all the public officers in said county, including the office of superintendent of public instruction, showing the fees and commissions collected and received by such officers, and make settlements with all such public officers at the times and in the manner required by law for such settlements; to open and correctly keep a set of double entry account books for said county, in which shall also appear the total monthly receipts of fees and commissions of all the officers of said county, as well as separate accounts for each and every one of said officers, which books shall constitute the permanent records of said auditor's office and be always open to public inspection; to visit the county jail and other county institutions, examine same, as well as the books and accounts kept by the jailer, and other persons in charge of said institutions, and report to the board of county commissioners any dereliction of duty, or other default on the part of said officers; to audit all bills; or claims, presented to the board of commissioners of said county for payment, and no claim so filed or presented shall be allowed or paid until it shall have been so audited and approved by said auditor, and no warrant drawn upon the county treasurer for any such claim by said board of commissioners shall be paid, unless countersigned or approved by said auditor; to especially examine, pass upon, and approve all bills of cost taxed against the county in any civil or eriminal action or proceeding, including all witness's and jurors' tickets issued by the clerk of the court, or other public official, and disallow all sums of money so taxed as cost, or otherwise, against the said county, which are not authorized by law, to be paid out of the county treasury, and no bill of cost, witness's or jurors' fees shall be paid by the treasurer of said county, unless approved in writing by said auditor; to familiarize himself with the market price of all supplies needed for the maintenance of the county home, the county jail, and the convict forces, as well as for other public purposes, and negotiate for the purchase of such supplies, subject, however, to the approval of the chairman of the board of county commissioners; and generally do and perform such other acts, matters and things as are necessarily incident to the duties above prescribed, and which the board of commissioners of said county may require and direct.</p> <p>SEC. 3. That for the purpose of enabling said auditor to properly and efficiently perform the duties of his said office, the board of commissioners of said county shall provide him with an office in the county court-house, which shall be equipped with all the necessary furniture, fixtures and appliances, including account books, stationery, etc., which shall be paid for by the county and which shall be renewed and replenished at the county's expense from time</p>
Settlements with officers.	
Account books.	
Permanent records open to inspection.	
Examination of county institutions.	
Audit of bills and claims.	
Warrants countersigned	
Bills of cost.	
Purchasing agent.	
General duties.	
Office and equipment.	

to time as needed, which office shall be kept open by said auditor at all times for public convenience and the dispatch of public business. And the said auditor may, if necessary, employ at his own expense such clerks or assistants as shall be required to enable him to properly, faithfully, diligently and efficiently discharge the duties of his said office; but he shall be responsible to the county for any default, errors, mistakes, or other shortcomings of such clerks and assistants.

Office hours.

Clerk and assistants.

Responsibility of auditor.

SEC. 4. In case said auditor shall at any time fail, in the opinion of the board of commissioners of said county, to faithfully, efficiently and expeditiously discharge the duties of his said office, then the said board shall have the right to summarily remove him from his said office, declare the same vacant and forthwith fill said vacancy, in which event the person so removed from said office shall immediately surrender up to his successor the possession of the same, including all the books, documents, records and other paraphernalia connected therewith, and the willful failure to comply with this provision shall render the offender guilty of a misdemeanor and punishable by fine or imprisonment, in the discretion of the court.

Power to discharge auditor.

Surrender to successor.

Failure a misdemeanor.

Punishment.

SEC. 5. That all laws or clauses of laws in conflict with this act are hereby repealed, and particularly so much of section two of chapter three hundred and thirty-eight of the Private Laws of one thousand nine hundred and nine, as confers upon the board of commissioners of said county the right to participate in the election of a city tax commissioner and imposes upon the county the obligation to pay one-half of the salary of said officer.

General repealing clause. Act specifically repealed.

SEC. 6. That this act shall not take effect unless ratified and approved by the board of commissioners of Mecklenburg County at a regular meeting on or before the first Monday of June, one thousand nine hundred and eleven.

Act to be ratified by county commissioners.

Time for ratification.

Ratified this the 3d day of March, 1911.

CHAPTER 505.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, AND CHAPTER ONE HUNDRED AND EIGHTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO THE PUBLIC ROADS OF HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter five hundred and six, Public Laws of one thousand nine hundred and seven be and the same is hereby repealed, and section two of chapter one hundred and

Law repealed.

Law re-enacted.

eighty-six, Public Laws of one thousand nine hundred and three, be and the same is hereby reenacted.

County commissioners in charge of road work.

SEC. 2. That the words "board of township road supervisor" in chapter one hundred and eighty-six, Public Laws of 1903, and in chapter five hundred and six, Public Laws of one thousand nine hundred and seven, be stricken out wherever it appears, and insert in lieu thereof the words "board of county commissioners."

Election of township superintendents.

SEC. 3. The board of commissioners of said county shall, at their regular meeting in June, one thousand nine hundred and eleven, and every year thereafter at their regular meeting in June, appoint a superintendent of roads for each of the various townships of said county, whose duties shall be the same as those prescribed for superintendents in chapter five hundred and six, Public Laws of one thousand nine hundred and seven.

Duties.

Road duty.

SEC. 4. That all able-bodied male persons of the county between the ages of eighteen and forty-five, except residents of incorporated cities and towns, shall work on the public roads of said county not to exceed six days of nine hours each, at such time and place and in such manner as may be designated by the superintendent of the roads: *Provided*, the superintendent of roads in each township shall give to each person of his township who is subject to road duty at least two 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*, any person may pay to the superintendent, at the time he is warned into work, the sum of one dollar per day for each day summoned to work the roads, in lieu of working the same. All money so paid to said superintendent, as herein provided, shall immediately be turned over to the county treasurer and by him credited to the road fund of the township from which same was paid: *Provided*, no person shall be required to work on any road outside the township in which he resides: *Provided, further*, this section shall not apply to any township in said county, except such township as may be required to operate under this section by the board of county commissioners.

Proviso: warning.

Proviso: commutation.

Commutation to township road fund.

Proviso: work in township of residence.

Proviso: application of act.

Repealing clause.

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

When act effective.

SEC. 6. That this act shall be in force from and after June first, one thousand nine hundred and eleven.

Ratified this the 3d day of March, 1911.

## CHAPTER 506.

## AN ACT AUTHORIZING THE APPOINTMENT OF A SUPERVISOR OF COTTON SCALES FOR THE TOWN OF WILSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on the first Monday of March, one thousand nine hundred and eleven, the board of commissioners of the county of Wilson shall elect a supervisor of cotton scales for the town of Wilson. Election of supervisor of cotton scales.

SEC. 2. That the supervisor of cotton scales so elected shall hold his office for a term of one year from the date of his election, and his successor shall be elected thereafter on the first Monday of March each year. Term of office. Election of successor.

SEC. 3. That it shall be the duty of said supervisor of cotton scales to purchase steelyards and cotton scales adequate and sufficient for the weighing of all cotton sold in the town of Wilson; to test and examine said steelyards and cotton scales at least once every week, and at any time a buyer or seller of cotton in said town of Wilson makes a reasonable demand for the testing and examining of said scales; said supervisor having, at all times, access to and control of, said steelyards and cotton scales. Purchase of steelyards and scales. Test. Demand for test.

SEC. 4. That the supervisor elected as above provided for, before he shall be allowed to exercise the duties of his said office, shall give a justified bond in the sum of five hundred dollars, conditioned upon the faithful performance of his duties as supervisor of cotton scales; the said bond to be approved by the said board of commissioners of the county of Wilson, and, when so approved, to be filed in the office of the register of deeds of Wilson County; and said supervisor of cotton scales, before entering upon his duties, shall make and subscribe an oath before some person qualified to administer oaths, to faithfully, fairly and impartially furnish, maintain, test and examine the steelyards and cotton scales as provided herein; to promptly, faithfully and specifically report in writing, over his name, to the said board of commissioners, any remissness, lapse of duty, inefficiency, incompetency, or discourtesy towards buyers or sellers of cotton in the said town of Wilson, of the cotton weigher for said town, and to perform any and all duties devolving upon him as supervisor of cotton scales in said town of Wilson; and any supervisor of cotton scales accused and convicted before said board of county commissioners of any fraud, unfairness, or proven to the satisfaction of said board, or a majority thereof, to be dilatory, remiss, inefficient, incompetent, or habitually discourteous, shall be peremptorily removed from office by said board of commissioners of the county of Wilson. Bond of supervisor. Supervisor to qualify. Removal for fraud or inefficiency.

- Use of other scales a misdemeanor.      SEC. 5. Any person who shall weigh any bale of cotton offered for sale in said town of Wilson on any scales other than those provided and maintained by said supervisor of scales shall be guilty of a misdemeanor for each and every offense and shall be punished in the discretion of the court.
- Punishment.
- Reimbursement to supervisor.      SEC. 6. The board of commissioners of the county of Wilson shall reimburse said supervisor for all sums expended in purchasing, repairing and maintaining said steelyards and scales.
- Access to county standards.      SEC. 7. Said supervisor shall have access to the county standards of the county of Wilson.
- Compensation.      SEC. 8. The said board of commissioners of the county of Wilson shall pay said supervisor a reasonable compensation for his services.
- Vacancies.      SEC. 9. Said board of commissioners of the county of Wilson are empowered to fill any and all vacancies in said office of supervisor of cotton scales.
- SEC. 10. That this act shall be in force from and after its ratification.
- Ratified this the 3d day of March, 1911.

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CHAPTER 507.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS OR WINE AND CIDER WITHIN TWO AND ONE-HALF MILES OF RONE'S METHODIST CHURCH, WOLFSCRAPE TOWNSHIP, DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

- Prohibition.      SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to sell any intoxicating liquors, wine or cider within two and one-half miles of Rone's Methodist Church, Wolfserape Township, Duplin County.
- Misdemeanor.      SEC. 2. That any person or persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined, in the discretion of the court.
- Punishment.      SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this 3d day of March, 1911.

## CHAPTER 508.

AN ACT TO PROTECT THE PUBLIC AGAINST DRUNKENNESS  
AND PROFANITY.*The General Assembly of North Carolina do enact:*

SECTION 1. That if any person shall be found drunk or intoxicated or shall in an angry, loud or boisterous manner use any profane or vulgar language in the hearing of any other person, upon the public highway or at any public place or meeting, he shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars, or be imprisoned not more than thirty days.

Drunkenness,  
profanity and  
vulgarity in public  
places a  
misdemeanor.

Punishment.

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

SEC. 3. This act shall apply only to Bladen County.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 509.

AN ACT PROHIBITING THE SALE OF WINE, CIDER, BEER,  
NEAR BEER, WHISKEY, OR OTHER INTOXICANTS NEAR  
DAILY'S CHAPEL FREE WILL BAPTIST CHURCH.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any party or parties, firms or corporations, to sell any wine, cider, beer, near beer, whiskey, or other intoxicating bitters within two miles of Daily's Chapel Free Will Baptist Church, in Falling Creek Township, Lenoir County.

Prohibition.

SEC. 2. Any person or persons, firms or corporations violating this act shall be guilty of a misdemeanor and upon conviction fined or imprisoned, in the discretion of the court.

Misdemeanor.

Punishment.

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

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

Ratified this 3d day of March, 1911.

## CHAPTER 510.

AN ACT TO PROVIDE COURT STENOGRAPHERS FOR RAN-  
DOLPH AND MONTGOMERY COUNTIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That the judges presiding in the superior courts of Randolph and Montgomery counties, respectively, shall have au-

Judges authorized  
to appoint  
stenographers.

Duty of stenographers.	<p>thority in all civil cases and in the trial of all felonies to appoint one or more court stenographers whose duty it shall be to take full stenographic notes of all oral testimony, the admissions made by either side, the objections to the introduction of testimony, the rulings of the court thereon and the objections taken to such rulings, all motions and matters heard and passed upon by the court upon matters controverted by parties, and the charge of the court to the jury; and whenever required by the judge the stenographer shall read the notes to the jury. All such stenographers, before entering upon their duty, shall take an oath to discharge faithfully and impartially all duties imposed upon them by this act.</p>
Stenographers to be sworn.	
Judge to designate cases and tax costs.	<p>SEC. 2. The presiding judge shall have discretion to designate cases to be reported by the stenographer and shall have discretion to tax the costs of the same against either party or both parties as he may deem proper and just. Said costs when collected shall be paid to the county treasurer as part of the general county fund: <i>Provided</i>, that where the judge shall have neglected to tax the cost in the case so reported it shall be the duty of the clerk of the court to tax the same against the party cast, but not more than five dollars for each day or fraction of a day required for the trial of a case shall be taxed in one case.</p>
Costs to county fund.	
Proviso: costs taxed by clerk.	
Fees.	<p>SEC. 3. The fees allowed shall be five dollars for every day or part of a day that the stenographer may be engaged in the courthouse; and in the event such stenographer shall not be a resident of the county seat where the court is held, he or she shall be allowed the sum of \$2 per day and mileage to and from the county seat for actual expenses; and in all cases where the judge may direct the evidence, charge, exceptions and other notes to be transcribed, the stenographer shall furnish one original to be filed in the court and one copy for each of the parties, and he or she shall be allowed ten cents per copy sheet of one hundred words for the original, but there shall be no extra charge for the two copies furnished: <i>Provided</i>, that when the same is transcribed at the request of a litigant, the cost thereof shall be paid by the person so requesting it and shall not be a county charge.</p>
Expenses and mileage. Copies.	
Allowance for copies.	
Proviso: cost paid by litigant.	
Case on appeal.	<p>SEC. 4. The copy so furnished the judge presiding shall be preserved by him and shall be used in making up the case on appeal, and a charge of only five cents per copy sheet shall be made by said clerk for that part of the case on appeal so furnished by said official stenographer instead of the usual charge of ten cents per copy sheet.</p>
Charge per copy sheet.	
Order for payment.	<p>SEC. 5. At the meeting of the board of commissioners next ensuing upon each term of said courts, or at any subsequent term when a bill for same has been presented duly audited by the clerk of the court, an order shall be made by said board of county commissioners directing the county treasurer to pay such stenographer for his or her said services.</p>

SEC. 6. Whenever it shall become necessary in any court in the State to prove the testimony of a witness at the trial of any former case in Randolph or Montgomery counties, respectively, the certified type written copy of the notes of such testimony taken by the official stenographer at the court where said witness testified shall be evidence to prove the same. Proof of testimony.

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

SEC. 8. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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#### CHAPTER 511.

AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE COMPENSATION OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and eighty-five of The Revisal of one thousand nine hundred and five be, and the same is hereby amended by adding at the end of said section the words, "When any member of the board of commissioners of Davidson County shall have been instructed by said board to visit and inspect a bridge or road in said county, the board may allow him such compensation as he would receive if in attendance upon a meeting of said board." Pay for special work.

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

Ratified this 3d day of March, 1911.

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#### CHAPTER 512.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BURKE COUNTY TO PAY FIFTEEN HUNDRED DOLLARS ON THE ERECTION OF A MONUMENT TO THE CONFEDERATE SOLDIERS OF BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Burke County are hereby authorized and directed when a petition is filed with them containing the names of a majority of the qualified voters of Burke County asking for the same, to appropriate fifteen Appropriation authorized. Petition for appropriation. Amount.

Object.            hundred dollars to aid in the erection of a Confederate monument on the court-house square in the town of Morganton in memory of the bravery and devotion of the Confederate soldiers of Burke County in the Civil War, and to pay the same to the treasurer of the Daughters of the Confederacy of said county on the following terms and condition:

Terms and conditions.

That if on or before July the first, one thousand nine hundred and eleven, the Daughters of the Confederacy of Burke County furnish satisfactory proof to said board of commissioners that they have collected by private subscription five hundred dollars for the erection of said monument, then the county commissioners of Burke County shall pay out of any funds not otherwise appropriated, the sum of five hundred dollars, to be applied on the erection of said monument.

And if on or before July the first, one thousand nine hundred and twelve, the Daughters of the Confederacy of Burke County shall furnish to the board of county commissioners of Burke County satisfactory proof that they have collected an additional sum of five hundred dollars to be applied on said monument, then the said board of commissioners shall pay to said treasurer of the Daughters of the Confederacy of Burke County the additional sum of five hundred dollars to be applied on said monument.

And if on July the first, one thousand nine hundred and thirteen, the said Daughters of the Confederacy of Burke County shall furnish satisfactory proof to the said board of commissioners of Burke County that they have collected by private subscription an additional sum of five hundred dollars, making fifteen hundred dollars in all, collected by private subscription, then the board of county commissioners of Burke County shall pay to the Daughters of the Confederacy of Burke County the additional sum of five hundred dollars for the erection of said monument, making in all fifteen hundred dollars paid by said county to be used in the erection of said monument.

SEC. 2. That if said Daughters of the Confederacy shall fail to satisfy the said board of county commissioners that they have collected in cash any of the sums above specified, then and in that event the said board of commissioners shall be relieved from the requirements of this act or so much thereof as is equivalent to the amount so failed to be collected by said Daughters of the Confederacy.

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

Ratified this the 3d day of March, 1911.

County commissioners relieved.

## CHAPTER 513.

## AN ACT TO PROHIBIT THE SALE OF WINE AND CIDER IN SPECIAL SCHOOL TAX DISTRICT NUMBER ONE OF NORTH CLINTON AND SOUTH CLINTON TOWNSHIPS, SAMPSON COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation, to sell, or otherwise dispose of, for gain, any wine or cider within the territory in North Clinton and South Clinton townships, Sampson County, North Carolina, embraced in Special School Tax District Number One. Sale of wine or cider forbidden.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation, to lend, give away, or offer to give away, any spirituous, vinous or malt liquors, or any wine, cider or other intoxicating drink whatsoever, to any minor child within the aforesaid territory, described in section one of this act: *Provided*, that this section shall not apply to physicians personally administering any of the same as a bona fide remedy in case of sickness, or to a parent or one standing *in loco parentis* administering any of the same as a bona fide remedy in case of sickness. Loan or gift of liquors to minors forbidden. Proviso: liquor as medicine.

SEC. 5. That any person or persons, firm or corporation, violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Misdemeanor. Punishment.

SEC. 4. That this act shall be in force and effect from and after April the first, nineteen hundred and eleven. When act effective.

Ratified this the 3d day of March, 1911.

## CHAPTER 514.

## AN ACT TO FIX THE COMPENSATION OF SURVEYORS IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all surveyors residing in Union County are hereby authorized to charge three and fifty one-hundredth dollars per day for all surveys by order of court in cases of disputed boundaries, in case where they are called upon by commissioners to assist in the partition of lands of deceased persons among the heirs, in assisting in laying off homestead exemptions and in allotting dower. That in all other cases they shall receive the same fees as heretofore provided by law. Charges for enumerated work.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 515.

## AN ACT CONCERNING A DRAINAGE DISTRICT IN FLEA HILL TOWNSHIP, CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. That, whereas, a proceeding for the establishment of a drainage district under the provisions of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, entitled "A. H. Slocumb et al. v. John Jones et al.," commenced and is now pending before the clerk of the superior court of the county of Cumberland; and, whereas, said proceeding has been regularly proceeded with according to the provisions of said chapter,

Preamble.

to the point where it is necessary that the clerk shall appoint a competent civil and drainage engineer and two resident freeholders as a board of viewers; and, whereas, the State Geological and Economic Survey has no funds with which to pay the expense of said preliminary survey and report, as provided in section two of said chapter

Preamble.

four hundred and forty-two of the laws of one thousand nine hundred and nine, and in order to meet the emergencies and to provide for the raising of funds to pay the necessary expense of said preliminary survey and the expense of the final survey, should it be reported favorably, and other necessary expenses as may be required from time to time during the pendency of the proceeding, the clerk of the superior court of said county is hereby authorized and empowered at this point in said proceeding to appoint three drainage commissioners with power to fill any vacancies which may occur for any reason, and said drainage commissioners shall have the power to employ a competent civil and drainage engineer to make the preliminary survey, as contemplated by said chapter four hundred and forty-two of the Laws of one thousand nine hundred and nine; and also to employ a competent civil and drainage engineer to make the final survey, as contemplated by said chapter; and to enable them to carry out the provisions of this act the said drainage commissioners are hereby empowered to borrow such sum or sums of money as may be necessary from time to time to pay the expense of said survey and other costs of the proceeding, including attorneys' fees, and to that end they are empowered to execute their notes as such commissioners, bearing six per cent interest, and said notes shall be a lien upon the real estate within the boundaries of said district, which may be declared to be benefited by the drainage thereof and become part of the said drainage district, and the said sums shall be paid out of the first moneys received from the sale of the bonds to be issued, as contemplated by said chapter four hundred and forty-two of the Laws of one thousand nine hundred and nine: *Provided*, that before the said commissioners shall borrow any money

Appointment of drainage commissioners.

Employment of engineer.

Power to borrow money.

Interest.

Lien of notes.

Payment.

Proviso: petition for and approval of loan.

for the purpose aforesaid, they shall file with the clerk of the superior court, in writing, a petition showing the necessity of same and the purpose for which it is to be used, and obtain his written approval thereof.

SEC. 2. That for the purposes of this act the said drainage commissioners to be appointed by the clerk of the court shall perform the duties of the board of viewers provided for in section two of said chapter four hundred and forty-two of the Laws of one thousand nine hundred and nine, and the said proceeding shall be proceeded with in other respects as provided for in said chapter.

SEC. 3. That in the event that the report of the engineers and board of drainage commissioners is unfavorable to the drainage territory contemplated in said special proceeding, the costs incurred by the commissioners in the proceeding shall be paid by the petitioners and respondents therein and apportioned by the clerk as equitable as he can, and he shall have the power to render a judgment upon the same, which shall be a lien upon the real estate of said parties within said district: *Provided*, that any party to the said proceeding, if dissatisfied with the apportionment and judgment of the clerk on the question of cost, he shall have a right to appeal to the superior court: *Provided*, that in the event of an appeal it shall not operate to stay an execution, unless a good and sufficient bond, to be approved by the clerk, is filed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

## CHAPTER 516.

AN ACT TO AMEND THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE, CHAPTER ONE HUNDRED AND ELEVEN, SO AS TO REQUIRE ALL COTTON SOLD IN THE TOWN OF ALBEMARLE, OR WITHIN CERTAIN LIMITS, TO BE WEIGHED BY THE PUBLIC COTTON WEIGHER AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eleven of the Public Laws of eighteen hundred and ninety-three be amended as follows: Insert between the word "all" and the word "cotton" in line three of section four the word "baled," and in the same line of said section after the words "all cotton sold in the town of Albemarle" add the words "or within one mile of said town."

SEC. 2. That no person, firm or corporation other than said cotton weigher shall weigh any baled cotton sold within said territory under a penalty of ten dollars (\$10) for each and every bale of

Misdemeanor;  
punishment.  
Proviso: cases  
excepted.

cotton so weighed and shall likewise be guilty of a misdemeanor and punishable in the discretion of the court: *Provided*, this section shall not apply to settlements between landlord and tenant: and *Provided, further*, that the seller of any baled cotton at his option and not otherwise may have his cotton weighed by any other person, firm or corporation within said limits upon the express condition that the weigher thereof shall keep a record of said cotton so weighed as provided for the regular cotton weigher, to whom he shall make a daily itemized report of any and all baled cotton weighed by him, and upon the further condition that the seller and purchaser of said cotton shall be jointly liable to the regular cotton weigher in the sum of ten cents for each and every bale of cotton so weighed by any other than the regular cotton weigher. In case of failure of the said weigher, meaning other than the county cotton weigher, to collect, report to, and pay the regular weigher, or his assistant, at the close of each day that he does any weighing of baled cotton the sum of ten cents for each bale weighed, then he shall be guilty of a misdemeanor and, upon conviction, fined or imprisoned, in the discretion of the court.

Report and  
payment to  
regular weigher.

Failure a  
misdemeanor.

Punishment.

Assistant weigher.

SEC. 3. The board of county commissioners of Stanly County, in case of necessity may appoint an assistant cotton weigher, who shall take the same oath as his principal, shall have the same authority to weigh cotton as the regular cotton weigher, and he shall receive the fees to which the regular weigher would be entitled for the time he serves in his place and stead, and no more.

Hours of weighing.

SEC. 4. That said board of commissioners may in the exercise of their discretion, having regard for the public interests, fix the hours between which the regular cotton weigher, or his assistant, shall attend the place set apart for the weighing of cotton for the public.

Power of removal.

SEC. 5. That said commissioners shall have the authority, for satisfactory reasons shown, that said cotton weigher or his assistant has failed to perform his duties faithfully and honestly and in a proper manner to remove either or both of them from office and to appoint his successor for the unexpired term, after first giving reasonable notice to be heard before said board.

Records to be kept.

SEC. 6. That said cotton weigher, or his assistant, shall keep a record for the inspection of the public, showing names of the seller and the buyer, the number and weight of each bale sold, date of sale and price paid, and for a failure herein on the part of either the principal cotton weigher, or the assistant, the regular cotton weigher shall be liable on his official bond for any damage that may be sustained.

Liability of  
weigher.

Test of scales.

SEC. 7. That the regular cotton weigher shall have his scales tested by the standard keeper of the county as is now required by chapter two hundred and fifty-one, Public Laws of one thousand nine hundred and seven.

SEC. 8. That any vacancy occurring in the office of cotton weigher <sup>Vacancy.</sup> by death, resignation or otherwise shall be filled by said board of county commissioners for the unexpired term and until his successor shall be elected and duly qualified.

SEC. 9. That any cotton weigher or assistant elected under the <sup>Punishment for</sup> provisions of this act who shall willfully and corruptly abuse the <sup>abuse of trust.</sup> trust or power conferred upon him by this act shall upon conviction thereof be discharged from his office and be responsible upon the official bond of the regular cotton weigher for any damage sustained by any party from such willful or corrupt abuse of his trust and power.

SEC. 10. That all laws and clauses of laws heretofore enacted inconsistent with this act be and the same are hereby repealed.

SEC. 11. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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#### CHAPTER 517.

#### AN ACT TO AMEND THE ROAD LAW OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and seven of the Public <sup>Road supervisor.</sup> Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: Strike out the word "shall" in line one, section five, and insert in lieu thereof the word "may." Between the words "working" and "that" in line fourteen in section seven insert the following: "*Provided*, that the overseer shall not be <sup>Proviso: limit of</sup> allowed pay for warning the hands more than three days during any <sup>pay to overseer.</sup> one year."

SEC. 2. Strike out the word "five" in line two of section fifteen and <sup>Tax rate.</sup> insert in lieu thereof the word "ten."

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 518.

#### AN ACT AUTHORIZING THE EXPENDITURE OF A PART OF THE ROAD FUNDS OF ASHEBORO TOWNSHIP, RANDOLPH COUNTY, WITHIN THE INCORPORATED TOWNS OF SAID TOWNSHIP.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of road trustees for Asheboro Town- <sup>Expenditur of</sup> ship, in Randolph County, is authorized, empowered and directed <sup>road fund on</sup> streets authorized.

Appropriation to town authorized.

at the request of said town authorities, to expend such part of the road funds which it may now have on hand or may hereafter have, in the construction, improvement and repair of the public highways of any incorporated city or town in Asheboro Township, Randolph County, which forms a continuation of the public roads of said township, without charge to said town, as the taxable property in said town sustains to the taxable property in said Asheboro Township. Or, the said board may appropriate and pay over to the governing board of the city or town such proportionate part of said road fund as the taxable property in said town sustains to the taxable property in said township to be applied to the construction, repair or working of said public highways in said incorporated town which form a continuation of the highways in said township.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 3d day of March, 1911.

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#### CHAPTER 519.

#### AN ACT TO PROHIBIT EMPTYING SAWDUST IN STREAMS IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful to empty sawdust into any stream in Wake County, or to deposit sawdust within fifty feet of any stream.

Misdemeanor.

Punishment.

SEC. 2. Any person, firm or corporation 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.

When act effective.

SEC. 3. This act shall be in force from and after May the first, one thousand nine hundred and eleven.

Ratified this the 3d day of March, 1911.

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#### CHAPTER 520.

#### AN ACT TO PREVENT FOREST FIRES IN THE COUNTY OF HENDERSON.

*The General Assembly of North Carolina do enact:*

Misdemeanor.

Punishment.

SECTION 1. That if any one shall negligently or willfully set out fires in any woods in the county of Henderson he shall be guilty of a misdemeanor, and be punished by fine and imprisonment, in the discretion of the court.

Game warden to prosecute.

SEC. 2. That it shall be the duty of the game warden of said county to prosecute all violations of the above section before any justice of the peace in the county of Henderson.

SEC. 3. That the board of commissioners of the county of Henderson are hereby empowered and directed to pay to any party furnishing the information and proof necessary to convict in the superior court of the county, twenty-five dollars, any person violating section one of this act. That in each and every conviction under this act there shall be taxed against the defendant as costs the sum of fifteen dollars, which shall be paid to the party upon whose evidence the conviction is had.

Payment of  
rewards  
authorized.

Tax fee for  
informant.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 521.

#### AN ACT TO PROTECT FOXES IN ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to kill, shoot, trap, hunt with dogs, or in any other way destroy any fox or foxes in Anson County between the first day of April and the first day of August of each and every year.

Close season.

SEC. 2. It shall be unlawful for any person who does not reside in Anson County to hunt, kill or shoot any fox or foxes in said county until he shall have paid a license tax of twenty-five dollars for the privilege of doing so for the twelve months in which he proposes to so hunt, said license to be paid to the sheriff of Anson County and to be turned over by him to the general school fund of said county.

License tax.

License tax to  
school fund.

SEC. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 522.

#### AN ACT TO PROTECT FUR-BEARING ANIMALS DURING THE BREEDING SEASON IN THE COUNTY OF HENDERSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That with the exception of wild cats, it shall be unlawful to trap or kill any fur-bearing animal in the county of Henderson during the breeding season, or when the furs are valueless, nor shall such animals be trapped or killed till the fifteenth No-

Protection.

member of each year when the hunting and trapping season shall begin.

Game warden to inquire and prosecute.

SEC. 2. It shall be the duty of the game warden of the county of Henderson to diligently inquire into and prosecute all parties violating the provisions of this act.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 523.

AN ACT TO PROHIBIT THE THROWING OF SAWDUST, LUMBER, TREES, OR OTHER OBSTRUCTIONS IN CERTAIN STREAMS IN CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Acts constituting misdemeanor.

SECTION 1. That it shall be unlawful for any person, firm or corporation in the county of Chatham to throw or cause to be thrown sawdust, lumber, timber or other obstructions, or to permit the same to be thrown into New Hope River or Creek, or any of the tributaries of said river or creek in Chatham County, and any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, or imprisoned for twenty (20) days for each and every offense.

Punishment.

When act effective.

SEC. 2. This act shall be in force from and after April first, one thousand nine hundred and eleven.

Ratified this 3d day of March, 1911.

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### CHAPTER 524.

AN ACT TO PROTECT LIVE STOCK IN TOP SAIL TOWNSHIP, PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

Killing unmarked animals forbidden.

SECTION 1. That it shall be unlawful for any person to kill any unmarked neat cattle, sheep or hog running at large in the woods, or range of Top Sail Township, Pender County.

Punishment.

SEC. 2. That every person convicted of a violation of this act, if such violation be done with felonious intent, shall be punished with a fine of not more than one hundred dollars, and if such violation be not done with such intent, he shall be found guilty of a misdemeanor and punished with a fine of not more than twenty-five dollars.

SEC. 3. That any person who shall kill any neat cattle, sheep or hog running at large in the woods or range of Top Sail Township, Pender County, and shall fail to show the hide and ears of such cattle, hog or sheep so killed, to some justice of the peace of said township, or to two substantial freeholders of said township, within two days after such killing, shall be guilty of a misdemeanor, and upon conviction of every such offense shall be fined not more than one hundred dollars.

Hide and ears to be exhibited.

Failure a misdemeanor. Punishment.

SEC. 4. That this act shall only apply to Top Sail Township in Pender County.

Application.

SEC. 5. That all laws and parts 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 this the 3d day of March, 1911.

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#### CHAPTER 525.

#### AN ACT TO PROHIBIT THE FISHING OF CERTAIN NETS IN THE WATERS OF NIXON CREEK, IN BEAUFORT COUNTY.

*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 drag nets, purse nets or pound nets in the waters of Nixon's Creek in the county of Beaufort.

Drag, purse and pound nets forbidden.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not exceeding thirty dollars or imprisoned not more than twenty days for each offense.

Misdemeanor. Punishment.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 526.

#### AN ACT TO DIVIDE THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY INTO TWO CLASSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general election to be held in the year one thousand nine hundred and twelve there shall be elected in the county of Guilford by the duly qualified voters thereof five (5) members of the board of county commissioners divided into two classes.

Two classes.

Class elected for  
two years.

three of whom shall compose one class whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire at the end of two years thereafter, or on the first Monday in December, one thousand nine hundred and fourteen; and two of whom shall compose another class whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire four years thereafter, or on the first Monday in December, one thousand nine hundred and sixteen. That upon the expiration of the term of office of both classes of said commissioners their successors shall be elected to hold office four years, and until their successors are elected and qualified.

Class elected for  
four years.

Terms of successors.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 527.

#### AN ACT TO AMEND THE ROAD LAW OF MARION TOWNSHIP IN McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Road supervisor  
abolished.

SECTION 1. That section two of chapter six hundred and ninety-seven of the Public Laws of one thousand nine hundred and seven be amended by striking out of said section the words, "to employ at a reasonable compensation a supervisor for the public roads of said township."

Duties of  
supervisor.

SEC. 2. That section three of said chapter six hundred and ninety-seven of the Public Laws of one thousand nine hundred and seven be amended by striking out the whole of said section three.

Overseers to  
warn hands.

SEC. 3. That the words "at such times only as the supervisor shall direct," shall be stricken from section four, chapter six hundred and ninety-seven of the said Public Laws of one thousand nine hundred and seven, and the words "when needed, or ordered by the road commission" be inserted in lieu thereof.

Pay to justices.

SEC. 4. That section three, sub-section F, of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and nine be amended by striking out of said section, at the end thereof, the words "for which service each justice of the peace and each overseer so attending shall be paid the sum of one dollar."

Pay to overseers  
for warning hands.

SEC. 5. That section four of chapter one hundred and thirty-six of the said Public Laws of one thousand nine hundred and nine be further amended by striking from said chapter all of section four.

SEC. 6. That the said road commission of Marion Township, in their discretion and whenever they may be in need of funds to supplement the amount raised by taxation for the support of the convicts worked by them on the public roads in said township, shall have the right to work said convicts upon the public roads of any other township in said county, or to do any other work in said county: *Provided*, that the compensation to be received by them for such work shall in no event be less than the actual cost of the maintenance of the said chain gang.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 528.

AN ACT TO AUTHORIZE AND ALLOW THE BOARD OF COMMISSIONERS OF ONSLOW COUNTY TO HOLD SPECIAL MEETINGS ON TUESDAY AFTER THE FIRST MONDAY IN EVERY MONTH INSTEAD OF ON THE FIRST MONDAY IN EVERY MONTH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Onslow County are hereby authorized to hold its special meetings on Tuesday after the first Monday in every month instead of on the first Monday in every month: *Provided*, said board shall cause notice of this change to be published for four weeks in some newspaper published in Onslow County, and also posted at one or more public places in each township in said county.

Change of time authorized.

Proviso: notice of change.

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

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 529.

AN ACT TO PROTECT FISH IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to fish with seine, nets, traps, giggering, or by muddying, striking or dynamiting, in Lumber River or the other rivers, creeks, lakes or ponds of Robeson County.

Fishing forb idden.

Misdemeanor.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars, nor less than ten dollars, one-half to go to the informant, or imprisoned not more than thirty days nor less than ten days, in jail, with privilege to county commissioners of Robeson County, or adjacent county, to hire out.

Fine, one-half to informant.

Imprisonment.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 530.

AN ACT TO RELIEVE THE TAYPAYERS OF TEACHEY'S STOCK LAW TERRITORY, DUPLIN COUNTY, BY ABOLISHING THE STOCK LAW FOR SAID TERRITORY.

*The General Assembly of North Carolina do enact:*

Application for election.

SECTION 1. That upon the written application of one-fifth of the qualified voters of Teachey's Stock Law territory, Duplin County, it shall be the duty of the board of commissioners of Duplin County to submit the question of "stock law" or "no stock law" to the qualified voters of said territory. Said application shall state to what purpose the funds on hand shall be appropriated. If a majority of the votes cast shall be in favor of "no stock law" the board of commissioners of said county shall declare said stock law territory abolished, and provide for the proper appropriation of the fund on hand.

Question to be voted on.

Effect of election.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 531.

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

Per diem and mileage.

SECTION 1. That the chairman of the board of commissioners of Anson County shall be paid for his services the sum of three dollars per day and mileage of five cents per mile each way, for each meeting of said board, whether it be a regular or special meeting of said board called by said chairman.

SEC. 2. That this act shall be in force and effect on and after the first day of December, one thousand nine hundred and twelve. When act effective.  
Ratified this the 3d day of March, 1911.

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CHAPTER 532.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY TO MAKE CERTAIN APPROPRIATIONS.

Whereas, T. L. Cannady, L. T. Williford, W. P. Wilkerson, Ralph Currin and R. W. Lassiter, members of the board of commissioners of Granville County, for the year one thousand nine hundred and nine, and one thousand nine hundred and ten, performed services under the direction of said board and drew pay therefor under a misapprehension of the law; and, whereas, said amounts have been refunded to the county of Granville because of warrant of authority to pay for same; and, whereas, said services were in good faith rendered; now, therefore, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Granville County are hereby authorized to appropriate out of the funds of said county the amounts refunded as set out in the preamble by said T. L. Cannady, L. T. Williford, W. P. Wilkerson, Ralph Currin and R. W. Lassiter. Appropriation authorized.

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

Ratified this the 3d day of March, 1911.

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CHAPTER 533.

AN ACT TO ESTABLISH A FERRY ACROSS CAPE FEAR RIVER AT THE COUNTY LINE LANDING.

*The General Assembly of North Carolina do enact:*

SEC. 1. The boards of commissioners of the counties of Bladen, Columbus and Pender are hereby authorized and directed to unite in establishing and maintaining a free public ferry across the Cape Fear River at the county line landing. Establishment and maintenance of free ferry authorized.

SEC. 2. The said commissioners shall as early as possible after the ratification of this act proceed to have built and equipped such conveyances at the place designated in section one of this act as will Duty of county commissioners.

conveniently transport all persons and vehicles across said river, and the expense of building, equipping, operating and maintaining said ferry shall be borne by said counties share and share alike.

Apportionment of expense.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 534.

#### AN ACT TO CREATE A RECORDER'S COURT FOR THE TOWN OF HAMLET AND MARK'S CREEK TOWNSHIP, AND DEFINE JURISDICTION AND TERRITORY THEREOF.

*The General Assembly of North Carolina do enact:*

Recorders's court established.

SECTION 1. That a recorder's court is hereby established and created, to be known as the "Recorder's Court for the District of Hamlet," which shall compose all of Mark's Creek Township, in Richmond County.

Court of record.

SEC. 2. That the said court be a court of record and shall be presided over by an elector of Richmond County residing in Mark's Creek Township, who shall be a man of good moral character and who shall be known as "the Recorder of the Hamlet District."

Recorder.

Term of office.

SEC. 3. That the recorder hereinafter provided for in this act shall hold office until the next general election, when his successor shall be elected by the qualified voters of Mark's Creek Township, in the same manner and at the same time county and township officers are elected.

Election of successor.

Election of recorder.

SEC. 4. That at the first meeting of the board of county commissioners of Richmond County following the ratification of this act it shall be the duty of said board to elect a recorder, who shall possess the qualifications required by section two of this act, and the said recorder shall at once take and subscribe before the clerk of the superior court of said county the same oath as is required of the judges of the superior court, and shall forthwith be inducted into office and shall thereafter perform the duties herein prescribed. At the same time and place a substitute recorder shall be elected who shall perform the duties of the recorder in his absence or inability to serve and shall possess the qualifications required by the recorder and shall receive the compensation paid the recorder when serving as such. He shall not perform said duties until notified by the recorder that he is unable to so perform said duties and to be requested by the recorder to so act. He shall also take the oath required of said recorder before performing any of these duties.

To take oath and assume office.

Substitute recorder.

Pay of recorder.

SEC. 5. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed

the justices of the peace, except for trial and judgment the fee shall be two dollars for each trial and judgment, and where there is more than one defendant one dollar for each additional defendant.

SEC. 6. The said recorder shall hold daily sessions, legal holidays and Sundays excepted, in the town of Hamlet, in some building to be provided by the board of commissioners of the town of Hamlet or in some other public building, and the hour of holding such sessions is left with the discretion of the recorder. It is intent of this act that the hours of holding said recorder's court shall be a time which shall be most convenient for the parties interested in said trial. Sessions of court.

SEC. 7. The jurisdiction of said court shall be as follows:

Jurisdiction.

(a) Said court shall have concurrent jurisdiction with the courts of the justices of the peace in all criminal offenses committed within Mark's Creek Township. Jurisdiction concurrent with justices of the peace.

(b) The said court shall have exclusive original jurisdiction to hear and determine all other criminal offenses committed within said township below the grade of felony, as is now defined by law, and all such offenses committed within said township are hereby declared to be petty misdemeanors: *Provided*, that in all criminal offenses where the said court has been given jurisdiction by this act, and no prosecution has been commenced within six months from the commission thereof, the superior court of Richmond County may proceed to try the same, as though this court did not exist. Exclusive original jurisdiction.

Proviso: jurisdiction of superior court.

(c) The said court shall have all the jurisdiction, power and authority as is conferred on justices of the peace by the constitution and existing laws of North Carolina, and shall have power and authority to sentence any person convicted in the said court, for which the punishment is imprisonment, to be confined in the common jail of Richmond County, to be worked on the public roads of said county, and any person convicted and punished by a fine may be required to work on said roads for the nonpayment of same, at a fair and reasonable wages, to be fixed by the board of county commissioners, until the same is paid in full, together with the cost, and then to be discharged. But the said sentence shall not be for a greater period than one year nor the fine shall not be greater than two hundred dollars: *Provided, further*, that in all cases where an appeal is taken to the superior court it shall be the duty of said recorder to require a reasonable bond, and send the same, together with all papers, to the next term of the superior court to be held for the trial of criminal cases in said county, where the trial of all such cases shall be *de novo*; said appeal to be perfected as from a court of the justice of the peace. Jurisdiction as justice of the peace.

Sentences.

Proviso: appeals.

SEC. 8. The said court shall have a seal with the impression "The Recorder's Court for the Hamlet District," which seal shall be used in the attestation of all writs, warrants, summons or other proceedings, acts, processes, judgments or decrees of said court, in the Seal of court.

same manner and to the same effect as the seals of other courts of North Carolina.

Permanent docket.

SEC. 9. That the said recorder shall provide and keep a permanent docket of record of all papers, processes and writs which shall be opened to the public inspection at all times.

Monthly reports and settlements.

SEC. 10. The said recorder shall at least one time in each month prepare and transmit a true record of all his official acts to the clerk of the superior court of Richmond County and all fines imposed and collected shall be paid to the treasurer of said county on or before the second Tuesday in each month.

Jury trials.

SEC. 11. That in all trials for criminal offenses upon a demand for a jury by the defendant, the said recorder shall draw the same, as is now provided in actions before a justice of the peace and with the same rights and challenges as now exist.

Jurisdiction of police.

SEC. 12. The chief of police of the town of Hamlet and the police officers of the town of Hamlet are hereby given the same jurisdiction to serve papers and to make arrests within the limits of Mark's Creek Township as they now have within the corporate limits of the town of Hamlet.

Election on approval of act.

SEC. 13. That this act shall become operative when submitted to the qualified voters of Mark's Creek Township and approved by a majority of them at an election to be held in connection with the city election to be held in May, one thousand nine hundred and eleven; and at said election those in favor of the adoption of this act shall vote a ballot on which shall be written or printed "For Recorder's Court," and those opposed shall vote a ballot on which shall be written or printed "Against Recorder's Court"; and if a majority of the qualified voters shall vote "For Recorder's Court" then this act shall be in force and become operative. The registration books for the election for city officers for the town of Hamlet shall be used in said election for all persons residing within the corporate limits of the said town, and the registration books for the other parts of the township which were used in the last general election shall be used for those residing within said township and without the limits of the said town. The board of county commissioners shall give the notice required by law for special elections for the portions of said township outside of the corporate limits of the town of Hamlet and the board of commissioners of the town of Hamlet shall give thirty days notice of said election within the town of Hamlet. The registrars and pollholders shall be the same as are used for the town election held on said date.

Ballots.

Registration.

Notice of election.

Election officers.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this 3d day of March, 1911.

## CHAPTER 535.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CARTERET COUNTY TO ISSUE BONDS FOR THE PURPOSE OF SECURING A SUITABLE SITE AND ERECTING THEREON A SUITABLE BUILDING OR BUILDINGS FOR THE CARE OF THE POOR, AGED AND INFIRM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of securing a suitable site and erecting thereon a suitable building or buildings for the care and protection of the poor, aged and infirm of the county of Carteret, the board of commissioners of said county is hereby authorized to issue the coupon bonds of the said county to an amount not to exceed the sum of five thousand dollars; the said bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each, and shall be payable at some bank in the city of New York, to be designated by the said board of commissioners, ten years from their date, and shall bear interest from their date until maturity, or until paid, at a rate not greater than five per cent per annum, payable semi-annually. The semi-annual payments of interest shall be represented by coupons attached to each one of said bonds, and shall be identified therewith by proper numbers and such other means as the said board of commissioners may determine. The bonds shall be signed by the chairman of the said board of commissioners and attested by its clerk, and the said coupons shall bear the lithographed signature of said chairman and clerk. The said bonds shall be designated "Carteret County Home Bonds," and shall be nontaxable for county purposes.

Purpose of bond issue.

Bond issue authorized.

Amount.

Denominations.

Maturity.

Interest.

Authentication.

Exemption from county tax.

SEC. 2. That in order to pay the interest on said bonds as it may accrue, and the principal thereof at maturity, the board of commissioners of said county is hereby authorized to annually levy a special tax to meet these demands; said tax shall be levied and collected as other county taxes are levied and collected, and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subjects of taxation under the laws of this State, and it shall be collected by the officer or officers charged with the collection of other county taxes, and the said officers shall in respect thereof be liable officially as well as personally to all of the law now prescribed or which may be hereafter prescribed for the faithful collection and payment of other taxes.

Special tax.

Levy and collection.

SEC. 3. The special tax provided for in this act shall not exceed two cents on every one hundred dollars worth of taxable property and five cents on each taxable poll in said county.

Tax rate.

SEC. 4. That the said board of commissioners shall sell said bonds and pay over the proceeds to the county treasurer, who shall keep

Sale of bonds.

Proceeds kept  
separate.  
Specific  
appropriation.

said funds derived from the sale of said bonds separate and apart from other funds in his hands. The said funds shall be used only for the purposes hereinbefore set forth, but the purchaser or purchasers of said bonds shall not be required to see to the application of the purchase money thereof. None of said bonds shall be sold for less than par plus the accrued interest thereon.

Bonds not to be  
sold below par.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 536.

#### AN ACT TO PROVIDE FOR THE PAYMENT OF THE BONDED INDEBTEDNESS OF THE TOWN OF WILKESBORO.

*The General Assembly of North Carolina do enact:*

Use of special  
taxes authorized.

SECTION 1. That the board of commissioners of the town of Wilkesboro, North Carolina, are hereby authorized and empowered to use and apply the special tax levied in June, one thousand nine hundred and nine, for the improvement of the sidewalks of the town, to the payment of the bonded indebtedness of said town, which falls due January the first, one thousand nine hundred and twelve.

Loan for balance.

SEC. 2. That after applying the levy of June, one thousand nine hundred and nine, made for sidewalk improvements, together with the levy made in June, one thousand nine hundred and ten, together with the levy to be made in June, one thousand nine hundred and eleven, that any residue on said bonds that may be due, the board

Execution of notes.

of commissioners of said town are hereby authorized and empowered to borrow money upon notes executed in the name of the town by the mayor and town clerk upon authority of the board of commissioners, which notes shall run not longer than three years, nor bear a greater rate of interest than six per cent, and the money derived from said notes, together with the sum already on hand on the first day of January, one thousand nine hundred and twelve, shall be used in the payment of the five thousand dollar indebtedness against said town.

Maturity.

Interest.

Use of proceeds.

Special tax for  
payment of notes.

SEC. 3. That the board of commissioners of the town of Wilkesboro, North Carolina, are hereby authorized and empowered to levy at their June meetings in the years one thousand nine hundred and twelve, one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, a tax not exceeding forty cents on the one hundred dollars worth of real and personal property, and not exceeding one dollar and twenty cents on the poll, which fund shall be used in payment of the notes executed to discharge the bonded

Tax rate.

indebtedness of the town, and any balance that may be left shall be turned into the general town fund for current expenses of the town. Balance to general fund.

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

Ratified this the 3d day of March, 1911.

### CHAPTER 537.

#### AN ACT TO ESTABLISH A ROAD DISTRICT WITHIN TOISNOT TOWNSHIP, WILSON COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a special road district shall be and is hereby created and established in Toisnot Township, Wilson County, North Carolina, embracing all the lands and public roads within the territory now known as Toisnot Township, to be known and designated as "Toisnot Township Road District." Road district established. Territory.

SEC. 2. That it shall be the duty of the board of commissioners of Wilson County, upon the request of the Toisnot Township road committee hereinafter provided for, to annually levy a tax of not more than thirty cents on the one hundred dollars worth of property within said district, and a per capita tax of not more than ninety cents upon every male person resident of the said district between the ages of twenty-one and fifty years. The said tax shall be collected by the sheriff of Wilson County and paid over to the treasurer of the Toisnot Township road committee. Road tax. Tax rate. Collection and settlement.

SEC. 3. That all public road money collected upon property within the said district, or upon polls resident therein, together with all funds arising from the special tax herein provided for, and all other moneys arising from any other source whatsoever belonging to the said road district, shall be paid to the treasurer of the Toisnot Township road committee, and shall be paid out only upon resolution of the Toisnot Township road committee, upon an order signed by its chairman and countersigned by its treasurer. Funds paid to road treasurer. Orders on fund.

SEC. 4. That E. G. Moore, E. R. Brinkley, Baker Cobb, Marvin Applewhite, J. L. Bailey, J. D. Bryant, Henry Crumpler, R. S. Wells and W. D. Farmer shall be and they are hereby named and constituted the Toisnot Township road committee; the first named three of whom shall serve for a term of three years, the next named three shall serve for a term of two years, and the last named three shall serve for a term of one year. Road committee named. Term of office.

SEC. 5. Whenever the term of any of said road committee shall expire, the successors of such as whose term has expired shall be immediately elected by those remaining, whose term has not expired, and shall serve for a term of three years. All vacancies Election of successors. Term. Vacancies.

occurring from death, resignation or otherwise, on said committee shall be filled by election by the said road committee. Persons elected to fill any vacancy on said committee arising other than by natural expiration shall serve for the unexpired term.

Use of road funds.

Control of roads.

SEC. 6. That the said road committee shall use the funds herein provided for, for the purpose of building and maintaining sand-clay or other permanent roads within said township. The said committee shall have complete control of the workings of all public roads in Toisnot Township, and shall have power to change the location of any road, or discontinue any road or part thereof, which they may deem necessary; to employ labor to work said roads and to pay reasonable compensation therefor; to employ a superintendent and fix his salary; to direct, supervise and oversee the work done or to be done on the public roads of Toisnot Township by the convicts of Wilson County; to provide for the working of said convicts on said roads to the best advantage, subject to the rules and regulations of the board of commissioners of Wilson County; and to do any and all other things necessary to be done for the maintenance and betterment of the public roads in said township.

First meeting.

SEC. 7. That the said Toisnot Township road committee shall hold its first meeting on the first Monday in April, one thousand nine hundred and eleven, in the town of Toisnot, and shall then and there elect one of its members chairman, and shall elect a secretary and a treasurer, make rules for the regulation of the said body, and do all other things necessary for the proper organization of the said committee. The said committee shall hold its meetings at a time and place to be designated by its chairman or at the request of any two members of said committee. It shall, as soon as practicable after organization, and when they deem it necessary or proper so to do, request the board of commissioners of Wilson County to levy a

Organization.

Meetings.

Request for special tax.

Limit of rate.

special tax of not more than thirty cents on the one hundred dollars worth of property within said district, and a per capita tax of not more than ninety cents on all male persons resident within the said district between the ages of twenty-one and fifty years, the Constitutional equation to be at all times observed. The said committee shall at all times keep a full and true account of all its proceedings, showing its receipts and disbursements, the number of persons employed, and other matters in any way connected with or relating to the working of said roads. The said books shall be left with the treasurer herein provided for, and shall at all times be subject to inspection by any taxpayer of Toisnot Township; that copies of all reports shall be filed with the board of commissioners of Wilson County.

Constitutional equation.

Accounts.

Books open to inspection.

Reports.

Election of treasurer.

SEC. 8. The said Toisnot Township road committee shall elect one of its members treasurer, as above provided for, who shall receive and receipt for all moneys belonging to the Toisnot Township road district, and shall pay out said funds only as herein provided for.

Said treasurer shall give a bond in such form and amount as shall Bond.  
 be required by the said committee sufficient to secure the moneys  
 coming into his hands as such treasurer, and to guarantee the faith-  
 ful performance of all duties imposed upon him as such. He shall  
 keep an accurate account of all receipts and disbursements of the Accounts.  
 said committee, and shall make a monthly report to the said com- Monthly reports.  
 mittee of all receipts and disbursements, together with the vouchers  
 for disbursements.

SEC. 9. This act shall be in force from and after its ratification.  
 Ratified this the 3d day of March, 1911.

### CHAPTER 538.

#### AN ACT TO PROVIDE FOR THE PROPER DRAINAGE OF LANDS AND THE PROTECTION OF HEALTH IN MECKLEN- BURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a commission of five men, to wit: Messrs. W. S. Commissioners  
 Pharr, John McDowell, James R. Alexander, John B. Clanton and named.  
 James S. Squires, and their successors in office, be and they are  
 hereby appointed and constituted a commission for the purpose of  
 draining the creeks and tributaries thereto in Mecklenburg County,  
 North Carolina, and to be known as the "Mecklenburg Drainage Corporate name.  
 Commission," and in that name they shall be a corporation with Incorporation.  
 power to have a corporate seal, sue and be sued, contract and be con- Corporate powers.  
 tracted with, and generally to do whatever may be necessary to be  
 done in order to make effectual the drainage of the creeks and their  
 tributaries in Mecklenburg County, North Carolina. They shall Purchase of tools  
 have power and authority to purchase all necessary machinery, dredg- and materials.  
 ing machine, tools, appliances and other material to carry out said  
 work, and to issue the note or bond or the obligation of said cor- Power to issue  
 poration in an amount not exceeding fifteen thousand dollars, pay- notes or bonds.  
 able in amounts to be fixed by said commission and at stated inter-  
 vals, not exceeding ten years, to be fixed by said corporation or com-  
 mission; and the said commission or corporation shall be possessed Further powers.  
 of all such powers as are usually granted and pertain to similar  
 corporations.

SEC. 2. Said commission shall meet and organize as soon as possible Commission to  
 after ratification of this act, and at the first meeting shall meet and organize  
 elect one of their number chairman, another vice-chairman and Organization.  
 another secretary, and the treasurer of Mecklenburg County shall be  
 ex-officio the treasurer of the commission, and shall keep a perfect  
 record of all dealings and transactions of said commission or cor-

- Employment of superintendent or overseer and hands. poration. Said commission shall have the authority and right at any time to employ a superintendent or overseer and hands to do said work, and fix their compensation and date of payment, and to execute the obligation or notes of said corporation for the payment of same in the name of said corporation; and shall also have the authority, in the discretion of the said commission, to contract for the whole of said work, or a part of same, and to enter into contract for letting of same and the payment of said work, and to employ counsel.
- Work may be let to contract.
- Estimate of lands. SEC. 3. The said commission shall make a just estimate of all creek lands and tributaries, within Mecklenburg County that will in their judgment be benefited, either generally or specially, by the work proposed and contemplated to be done, and make a list of the owners of said lands, with the estimated number of acres to be benefited by each owner; and in making said estimate the said commission is authorized to take into consideration and estimate all lands lying within one-half mile of the center of any creek in Mecklenburg County, the measurement to be air line and at right angles to center of said creek, upon either and both sides of said creeks and upon all tributaries of said creeks, extending up said tributaries from the point where same empties into said creeks for a distance of one and one-half miles, and all lands upon said tributaries and within one-fourth of a mile of the center of said tributary streams measured at right angles and air line from center of said tributary streams on both and either sides of same, and shall be measured and estimated, and said commission shall make a just estimate of all lands on said creeks and its tributaries, within the radius prescribed and limits herein defined, as in their judgment will be benefited, either generally or specially or both, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by same, and assess said landowner or owners a larger amount in accordance with the special benefits. Said commission is further authorized and empowered to employ a competent engineer to do such surveying as is necessary and desired by said commission and as may be required by this act. That Mecklenburg County is established as a drainage district.
- Lists.
- Territory.
- Lists.
- Special benefits.
- Employment of engineer.
- Drainage district.
- Examination and classification of land.
- Considerations governing classification.
- SEC. 4. It shall be the further duty of said commission to view and personally examine the land embraced within the radius mentioned in paragraph three herein, and classify it with reference to the benefit it will receive from the canaling and improvement and work contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and fertility of the soil, which shall be considered in determining the amount of benefits it will receive by the contemplated improvements. That land benefited shall be sepa-

rated into five classes: The land receiving the highest benefit shall be marked "Class K," that receiving the next highest benefit "Class L," that receiving the next highest benefit "Class M," that receiving the next highest benefit "Class N," and that receiving the smallest benefit "Class O." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though the boundary need not be marked on the ground or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire creek districts shall be estimated as nearly as practicable and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commission or found by them shall be in the ratio of five, four, three, two and one—that is to say, as often as five mills per acre is assessed against the lands in "Class K," four mills per acre be assessed against the lands in "Class L," three mills per acre in "Class M," two mills per acre in "Class N," and one mill per acre in "Class O." This shall form the basis of the assessment of benefits to the lands. That after said commission has assessed the benefits to the land, they shall give notice at the court-house door in the city of Charlotte, Mecklenburg County, and by posting notice at five points along the line of creeks to be drained, appointing a day on which said board of commissioners will meet at the court-house in city of Charlotte, Mecklenburg County, to hear any and all complaints of the landowners of the assessments made against said lands, which said notice shall give ten days time or notice of said meeting, and shall serve personal notice on all resident landowners in the county and by publishing for ten days in some daily newspaper in said county for non-resident. The notice to be signed by the chairman of the commission, setting forth land to be drained, clearly and definitely the limits of the boundaries of the land proposed to be drained, requiring the person to appear at a certain time before the commission and make any objection if he sees fit to do so, at which time the said commission will sit as a body to hear and determine all complaints that may be filed with them, and shall have the right to hear any and all evidence introduced and offered in said matter, and determine the proper assessment against said complaints and fix the assessment against all the lands within the radius mentioned and set forth in section three of this act; and said commission shall have the power and authority to issue subpoenas for witnesses and hear their evidence, and punish for contempt of their proceedings of court while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said court, shall have right to appeal, at said time or within ten days thereafter, to the superior court of Mecklenburg County, said appeal being taken and prosecuted as now provided in appeals in civil actions, the party

Classes.

Scale of assessments.

Notice for hearing on assessments.

Details of notice.

Hearing on assessments.

Judicial powers.

Right of appeal.

- Bond on appeal. appealing being required to give bond in the sum of two hundred dollars to pay all costs and assessments, adjudged and awarded
- Priority of trial. against him upon said appeal. Said appeal shall have priority over all other causes in a point of trial upon appeal to the superior court, and shall stand for trial at next term of said court, by reason of its public nature.
- Assessment rolls. SEC. 5. After the classification of the land and the ratio of assessment of the different classes to be made thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the land ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the board shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of assessment made by the commission. This drainage roll, showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the secretary as part of the records of his office and the other delivered to the sheriff or other county tax collector of Mecklenburg County, which said roll shall show the name of the owner the number of acres of land upon which assessments have been made, and the amount due by said landowner, and there shall be appended an order to collect the said assessments and amounts so certified, and same shall have the force and effect of a judgment, as in the case of State and county taxes, and shall be collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment roll being delivered to the sheriff for collection. After said commission has assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of assessment as made by said commission, it shall have the right to levy an assessment upon said benefits in an amount annually not exceeding five dollars per acre, until the whole thereof is paid or said contemplated improvement completed, or if the total cost of the work is less than an average of five dollars per acre on all the land in the creek districts the assessment made against the several tracts can be collected in one or more annual installments in the discretion of said commission, by the officer as herein directed, in the same manner as State and county taxes are collected and payable.
- Details of assessment rolls.
- Ratio of assessment.
- Rolls in duplicate.
- Copy to secretary and to sheriff.
- Order for collection.
- Collection.
- Annual levy.

SEC. 6. That the sheriff or tax collector, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same and to that end he shall have the power and remedies as he has for the collection of the public taxes, and shall receive for such services the same compensation as in the collection of State and county taxes and shall pay over same to the treasurer of Mecklenburg County and take receipt therefor, who shall only pay out or disburse the same on the warrant of secretary, countersigned by chairman.

Powers and remedies in collection assessments.  
Compensation.

Warrants on fund.

SEC. 7. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said water course shall be removed as rapidly as possible, and they shall further cause the bed of said stream to be widened to a width not exceeding thirty feet, and to lower the bed and bottom of said stream not exceeding fifteen feet, and may straighten said streams and change same at such points and places as may seem to them to be for the better flow of the water, and shall have the power to remove or cause to be removed from the banks of said stream all such growth or other hindrances as tend to retard the rapid flow of the water of said stream on occasions of high water, and shall have the right from time to time, its agents and employees or contractors, to enter upon any lands along said water course and tributaries for the purpose of carrying out the improvement and work contemplated in this act; and shall, after the completion of same, have the right to enter upon said lands at any time for the purpose of performing any work in making repairs and clear of obstruction all growth or matter interfering with the free flow of the water, but in doing this work they shall give attention first to the widening and lowering and excavating of the bed of said streams and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of rock and other hindrances to the rapid flow of the water.

Removal of obstructions.

Widening, deepening and straightening streams.

Banks cleared.

Entrance on lands.

SECTION 8. It shall be the duty and obligation of each of the members of said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or, for good cause, his office may be declared vacant by the other members, and all vacancies, from whatever source or cause, shall be filled by the board of commissioners of Mecklenburg County, North Carolina.

Commissioners to meet and qualify.

Right to resign.  
Vacancies.

SEC. 9. If it shall be necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said creeks for the betterment of the flow of water and the improvement of the objects and purposes of this act, and in either event the same can not be acquired by purchase, then and in that event the power of eminent domain is hereby conferred, and the same may be condemned.

Power to condemn land.

Procedure for condemnation.	Such owner or owners of the lands proposed to be condemned may be made parties defendant in the manner of an ancillary proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five and amendments thereto, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the collection of assessments upon benefits: that every privilege, power and right to carry out the provisions of this act are granted said commission to aid in the further promotion of said work herein contemplated by this act.
Payment of damages.	
Lateral drains.	SEC. 10. The owner of any lands that have been assessed for the costs of the construction and improvements herein directed and allowed by this act shall have the right to use same as an outlet for lateral drains from said lands; and if said lands are separated from the creeks by the lands of another, and the owner thereof shall be unable to agree with said other as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file a petition with said commission herein appointed and constitute a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission herein appointed. That the said commission shall have the power and right, at their discretion, to elect or appoint a superintendent of the construction of said work and improvement, and to fix his compensation and bond for the faithful performance of same.
Right-of-way.	
Superintendent of construction.	
Compensation and bond.	
Estimate of work.	SEC. 12. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out by contract, or by section, to be laid off by said commission, and to contract for the same, or it may do the work and improvement by purchasing a dredging machine or other machinery and hiring labor, under the commission's supervision or that of a superintendent. In event the said commission shall decide to let said work to bidders for the whole or by sections or any part of same, the successful bidder shall be required to enter into a contract with the Mecklenburg Drainage Commission, and to execute a bond for the faithful performance of such contract with sufficient sureties in favor of the Mecklenburg Drainage Commission, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him. If any contractor to whom a portion or all of said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Mecklenburg Drainage Commission against said contractor and his bond in the superior court for damages sustained, and recovery made against such contractor and his sureties.
Work may be let to contract.	
Contracts.	
Bond on contract.	
Action on bond.	

SEC. 13. That said Mecklenburg Drainage Commission and with consent of the proper highway or public road authorities shall have full power and authority to remove when practicable any public highway bridge across any of the streams within the radius permitted in this act and fixed as a drainage district, and place same upon the bank of said stream and proceed with its work; and on account of the importance to the community the cost of replacing said bridge shall be borne and paid by the county of Mecklenburg or township as the case may be, and the cost of same in case highway bridges shall be paid by the county of Mecklenburg and public road bridges by township where removed bridge is located.

Removal and replacement of bridges.

SEC. 14. Whenever said improvement is completed it shall be under the control and supervision of said drainage commission and it shall be the duty of said commission to keep said water course in good repair and open and for this purpose may levy an assessment on the lands benefited by the construction of such improvement in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said water courses in perfect order: *Provided, however,* that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvement is constructed or by the act or negligence of his agent or employees, or if the same is caused by the cattle or other stock of said owner, employee or agent then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the commission.

Control and supervision of completed work.

Assessments for maintenance.

Proviso: damage caused by negligence.

SEC. 15. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or flood gate in such way as to injure or obstruct the improvements and water flow of said stream under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor.

Injury to work a misdemeanor.

SEC. 16. That said commission or any of its agents officers, employees or contractors shall have the right to enter upon the lands, adjoining said work at any time for the purposes of said improvements, without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespass.

Entry on lands.

SEC. 17. That, subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, until the whole of said work shall be completed and the health of the community benefited and improved.

Work at discretion of commission.

SEC. 18. That it shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment not to exceed thirty days, for any person or persons to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creeks and lands.

Obstruction or interference misdemeanor.

Punishment.

First work.

SEC. 19. That this commission shall first drain what is known as Little Sugar Creek, east of the city of Charlotte, and Big Sugar Creek or Erwin's Creek, west of the city; that they shall, in their discretion, drain so much above, below and through the city, as they think best for protection of the health of the community, and that they shall also drain Independence Park, and fix all necessary culverts for that purpose in said park.

Term of office.

SEC. 20. That the commission herein appointed shall hold their offices until the regular meeting of the county commissioners in January, one thousand nine hundred and thirteen, when the successors of said commission shall be elected by the board of commissioners of Mecklenburg County.

Pay of commissioners.

SEC. 21. That each member of said commission shall receive one hundred dollars every year for their services; and that the commission shall take the usual oath of office before entering upon the discharge of his duties as required by the county commissioners, and shall meet regularly on the first Monday in each month.

Oath of office.

Meetings.

Yearly reports.

SEC. 22. That the commission shall make yearly reports to the board of county commissioners of the work done and performed and the money expended.

Tax levy.

Rate.

SEC. 23. That to carry out the provisions of this act the county commissioners shall levy annually a tax of not exceeding three and one-third cents in the years one thousand nine hundred and eleven and one thousand nine hundred and twelve on one hundred dollars valuation of real and personal property, and said levy shall be made in the same manner as all other county taxes are levied.

Power to borrow money.

SEC. 24. The said commission are hereby authorized and empowered to borrow money to anticipate the tax that will be levied under this act.

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

Ratified this the 3d day of March, 1911.

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## CHAPTER 539.

### AN ACT FOR THE RELIEF OF JOHN W. HODGES, EX-SHERIFF OF WATAUGA COUNTY.

*The General Assembly of North Carolina do enact:*

Collection of arrears authorized.

SECTION 1. That John W. Hodges, ex-sheriff of Watauga County, be and is hereby authorized to collect all arrearages of taxes for said county for the years one thousand nine hundred and four and one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven, and one thousand nine hundred and eight, under the same rules and regulations as now provided by law for the collection of taxes for said county.

SEC. 2. That no person shall be compelled to pay any tax under this act who holds a sheriff's tax receipt for said tax, or who shall make affidavit that said tax has been paid nor shall any purchaser for value or mortgagees without notice of such arrearages of taxes due on the land, be compelled to pay any arrears of tax under this act. Persons not compelled to pay.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 540.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS OF TYRRELL COUNTY TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Tyrrell County be and are hereby authorized and empowered to levy a special tax on all the taxable property and polls in said county during the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, not exceeding in any one year ten cents on the one hundred dollars valuation of property and thirty cents on the poll, observing the constitutional equation in levying the said tax, for the purpose of building and repairing bridges in said county, paying jurors, and supplementing the poor fund, or for any of said purposes. Special tax authorized.  
Rate.  
Constitutional equation.  
Purpose.

SEC. 2. Said taxes shall be levied, collected, and accounted for as other county taxes are, and should there be a surplus remaining in the hands of the county treasurer in any year not needed for above purposes, the same shall be turned over into the general county fund. Levy and collection.  
Surplus to general fund.

SEC. 3. That so much as chapter two hundred and seventy-eight of the Public Laws of one thousand eight hundred and ninety-five as requires that county orders issued by the board of commissioners of Tyrrell County shall be paid according to class and number, is hereby repealed. Payment of county orders.

SEC. 4. The board of commissioners of Tyrrell County may require that county orders heretofore, or which may be hereafter issued shall be paid according to class and number when in the judgment of said board of commissioners, the interest of the taxpayers of said county would be promoted thereby. Payment of county orders.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 541.

AN ACT TO AUTHORIZE THE COUNTY OF NASH TO AID IN  
THE CONSTRUCTION OF A CONFEDERATE MONUMENT.

*The General Assembly of North Carolina do enact:*

Donation  
authorized.

SECTION 1. That the board of commissioners of the county of Nash are hereby authorized and empowered in their discretion and on such terms as they may prescribe to donate out of the general county fund to the Bethel Heroes Chapter, United Daughters of the Confederacy, a sum not exceeding two hundred and fifty dollars, to aid in the building of a monument to the Confederate soldiers of Nash and Edgecombe counties.

Amount.  
Purpose.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 542.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS  
AND JUSTICES OF THE PEACE OF NASH COUNTY TO  
CONSOLIDATE NORTH AND SOUTH WHITAKERS TOWNSHIPS AS PRESCRIBED BY SUBSECTION SEVEN HUNDRED  
AND THIRTY OF SECTION ONE THOUSAND THREE HUN-  
DRED AND SEVENTEEN OF THE REVISAL OF ONE THOU-  
SAND NINE HUNDRED AND FIVE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Consolidation  
authorized.

SECTION 1. That the board of commissioners of Nash County with the concurrence or assent of a majority of the justices of the peace of said county, be and they are hereby empowered, if, after a hearing they are satisfied the same should be done, to consolidate into one township North and South Whitakers townships in said county, such new or consolidated township to be known as Whitakers Township.

Application for  
consolidation.

SEC. 2. That whenever as many as three freeholders from each of North and South Whitakers townships apply by petition to the board of commissioners of Nash County to consolidate the townships mentioned in section one thereof, it shall be the duty of said board of commissioners to cause publication of such application to be made as directed in subsection thirty of section one thousand three hundred and seventeen of The Revisal of one thousand nine hundred and five of North Carolina, and the clerk of said board shall forthwith give written notice to the justices of the peace of said county

Publication of  
application.

Notice to  
justices.

of such application and of the time and the place when the said application will be heard and passed upon.

SEC. 3. That the polling or voting places and the election precincts in said township, if established, shall be fixed by the county board of elections as now provided by law. Polling places.

SEC. 4. That nothing contained herein shall be construed as in any wise altering or affecting the provisions of an act passed at the present session of the General Assembly, entitled "An act for building and improving the public roads in the different townships in Nash County." Road law not affected.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 543.

#### AN ACT TO PROTECT GAME IN MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to trap, take, catch, shoot, kill or in any manner destroy any quail or partridges between the tenth day of January and the first day of December in any year. Close season for birds.

SEC. 2. That it shall be unlawful for any person to hunt, catch, or kill any fox between the first day of February and the fifteenth day of November in any year unless the fox or foxes be depredating among domestic fowls or destroying something of value. Close season for fox.

SEC. 3. That it shall be unlawful for any person to hunt any game upon the land of another without written permission of the landowner, and if any person shall go upon the lands of another with a gun it shall be *prima facie* evidence that such person is hunting within the meaning of this section. Hunting without permission of landowner forbidden.  
Prima facie evidence.

SEC. 4. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any quail or partridges between the tenth day of January and the first day of December in any year, and the possession of any quail or partridges between said tenth day of January and the first day of December of any year, by any person, firm or corporation shall be *prima facie* evidence of a violation of this section. Sale in close season forbidden.  
Possession prima facie evidence.

SEC. 5. That it shall be unlawful for any person to net any quail or partridges. Netting birds forbidden.

SEC. 6. That it shall be unlawful for any person to kill more than fifteen quail or partridges in any one day between the first day of December and the tenth day of January in any year. Limit of daily kill.

Close season for shooting.

Proviso: squirrel hunting by owner of land.

SEC. 7. That it shall be unlawful for any person to hunt any game with a gun except between the first day of December and the tenth of January in any year: *Provided*, that this shall not apply to the hunting of squirrels during the period that it is lawful to hunt squirrels, nor to any person hunting on his own land.

SEC. 8. That each township constable be and he is hereby constituted a game warden as provided by the laws of North Carolina.

Misdemeanor.

SEC. 9. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

Application of act.

SEC. 10. That this act shall apply only to the county of Mecklenburg.

SEC. 11. That all laws inconsistent with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

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#### CHAPTER 544.

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY TO DISBURSE THE UNUSED BALANCE OF STOCK LAW FUNDS.

Preamble.

Whereas, in the stock law boundary in Transylvania County, known as the "general stock law boundary" a tax was levied and collected for the year one thousand nine hundred and nine, for the maintenance of a fence around said boundary, and there is now an unexpended balance of two hundred and seventy dollars and ninety-one cents in said stock law fund, and, whereas, during the year one thousand nine hundred and ten, all of the territory of Transylvania County adjoining said stock law boundary adopted stock law, thereby removing the necessity for maintaining said fence,

Preamble.

*The General Assembly of North Carolina do enact:*

Transfer and disbursement authorized.

SECTION 1. That the board of commissioners of Transylvania County be, and they are hereby authorized and empowered to transfer said fund to the general pauper fund of Transylvania County, and to disburse the same as other pauper funds are disbursed.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 545.

AN ACT TO AMEND SECTION FOUR THOUSAND AND SEVENTEEN OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE DRAINAGE OF SWAMP LANDS IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand and seventeen of The Law extended. Revisal of one thousand nine hundred and five, be amended by adding in line twenty after the word "Lenoir" and before the word "county" the words "and Beaufort," and by striking out the word "county" in said line and insert in lieu thereof the word "counties" and by striking out the period after the word "costs" in line twenty-seven and insert in lieu thereof a comma, and after the comma add the following words: "and it shall be the duty of the said clerk of the superior court to issue execution to the sheriff, upon said judgment when application is made for such execution by the person or persons properly entitled to the same." Clerk to issue execution.

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

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

Ratified this the 3d day of March, 1911.

## CHAPTER 546.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAMPSON COUNTY TO SELL AND MAKE TITLE TO A PART OF THE COUNTY HOME TRACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the county of Sampson are hereby authorized and directed to sell and make title Authority to sell and make title. to the purchaser of that part of the county home tract located near the Rowan Baptist church in the county of Sampson between the Location. Reeds Ford road and the road that leads to the M. A. Matthews place consisting of one and one-half acres of woodland.

SEC. 2. That the sale of the tract of land described in section one shall be made either at public or private sale at the discretion of Sale public or private. of the board of commissioners.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 547.

AN ACT TO DECLARE THE WATERS OF BATH CREEK IN BEAUFORT COUNTY OPEN FOR FISHING FROM BATH CREEK BRIDGE TO THE MOUTH OF SAID CREEK.

*The General Assembly of North Carolina do enact:*

Fishing with nets authorized.

SECTION 1. That it shall not be unlawful for any person or persons who are resident citizens of Beaufort County to fish with any kinds of nets, except pound nets, or purse nets, in the waters of Bath Creek from Bath Creek bridge to the mouth of said creek.

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 this the 3d day of March, 1911.

## CHAPTER 548.

AN ACT TO CREATE A ROAD DISTRICT IN LEE COUNTY, AND PROVIDE FUNDS, WAYS AND MEANS FOR LAYING OUT, ESTABLISHING AND BUILDING PERMANENT PUBLIC ROADS AND MAINTAIN SAME IN GOOD REPAIR IN THE TERRITORY OF SAID DISTRICT.

*The General Assembly of North Carolina do enact:*

Road district created.

Boundary.

SECTION 1. That a road district shall be and the same is hereby created and established in the county of Lee embraced in the following territory, viz: Beginning at the mouth of Big Pocket Creek where it empties into Deep River, thence up said creek to the old Moore and Chatham County line, thence eastward with said county line to the old wagon or tobacco road, thence with the said road to the southernmost corner of the lands of William McNeill estate, thence direct to where the Southern Railway crosses Big Buffalo Creek near the old D. D. McIver homestead, thence with the west line of the right-of-way of said Southern Railway to its intersection with the line of the right-of-way of the Atlantic Coast Line and Seaboard Air Line Railroads in the town of Sanford, thence with the right-of-way of the Seaboard Air Line Railroad to the Jonesboro township line, thence with the line of said township westward and direct to a point three hundred yards west of the old tobacco road near tramway, thence southward and parallel with said road to the line of Greenwood Township near between Moore and Lee

counties at the cross roads near White Hill Presbyterian church, thence with the county line to the east side of the Seaboard Air Line Railroad right-of-way, thence with said line of right-of-way northward to Little Juniper Creek, thence direct to the east side of the right-of-way of the Atlantic Coast Line Railroad where it crosses the county line of Harnett and Lee counties, thence with said county line to the line of Jonesboro and Cape Fear townships, thence with the line of said townships to where it intersects with the right-of-way of the Atlantic and Western Railroad, thence direct to the channel of Fall Creek at the head of the old John Dalrymple mill pond, thence down the channel of said creek to Cape Fear River, thence up said river and Deep River to the beginning.

SEC. 2. That said road district shall be named and entitled the Central road district. Central Road District of Lee County.

SEC. 3. That a road commission for said district shall be created, Road commission. composed of five members, who shall be elected by the board of commissioners of Lee County as hereinafter provided, from the territory of the district as follows: One member of said commission shall be selected from that part of the territory embraced within the limits of Greenwood Township; one from that part embraced within the limits of Jonesboro Township; one from that part embraced within the limits of East Sanford Township; one from that part of the territory embraced within that part of Cape Fear and Deep River townships lying east of the Seaboard Air Line Railroad; and one from that part of the territory embraced in Deep River Township and West Sanford Township lying west of the Seaboard Air Line Railroad; and the persons so elected, and their successors, are and shall be hereby created the "Road Commission for the Central Road Corporate name. district of Lee County," and under such name are hereby created Incorporation. and constituted a body politic and corporate, and by that name Corporate powers. may sue and be sued, make contracts, adopt a seal, acquire real estate and personal property, for the purposes of this act, by gift, purchase or in any other lawful way hold, exchange and sell the same, and exercise all other rights, powers, and privileges for the purpose and intention of this act as are incident to other municipal corporations. The persons selected for said commission shall be Qualification for commissioners. freeholders and shall be men who are known to be in sympathy with the intents and purposes of this act, and the board of county commissioners shall elect no one as a member of said road commission unless such person is qualified as above provided.

SEC. 4. The members of said road commission shall meet in the Meeting for organization. court-house in Lee County on the Monday next after following their appointment, and after being duly qualified by taking the oath of office, to be administered by the clerk of the superior court of Lee County, or any other officer of said county authorized to administer oaths, shall proceed to organize by electing one of their members Organization. chairman and one secretary of said road commission, and said road

Regular meetings.	commission shall hold regular meetings at such times and places as may by resolution be agreed on, and shall hold special meetings on call of the chairman, or three members of the commission, of which meeting all members shall be notified in writing of the place and purpose of such special meeting, and three members shall constitute a quorum for the transaction of business.
Special meetings.	
Quorum.	
Employment of engineer.	SEC. 5. That for the purpose of establishing, laying out, building and maintaining a complete system of permanently improved public roads, of gravel, sand, clay or otherwise, according to the latest approved methods of such road building, the said board of road commissioners is hereby authorized, instructed and empowered to employ a competent civil engineer who is experienced in laying out and building improved roads, to make all necessary surveys, maps and profiles, and estimate of cost for the construction of a complete system of permanent improved roads for the entire territory of the districts, laying out such system so as to be of the most convenience to the most people in the various sections of said district, and for the purpose of making such surveys the said engineer and such other persons as may be employed to assist him in making such surveys, shall have the right to enter upon lands of all persons in the said district and cut any trees necessary to make such survey. The said board of road commissioners shall have the power and right to alter and change the location of any road or proposed road if in their judgment the best interest of the entire district so demands; and upon the final completion of the said surveys, maps and profile, and estimate of cost for the construction of such complete system, and the approval of same by the said board of road commissioners, the said board of road commissioners shall file copy of such surveys, maps, profiles and estimates of cost of construction with the board of county commissioners of Lee County, and if it appears the said system reaches all sections of the district and the estimated cost of opening, locating and constructing such system shall not exceed fifty thousand dollars (\$50,000), then the said board of county commissioners shall at once issue coupon bonds for and in behalf of said road district to an amount sufficient to construct said roads in accordance with the surveys, maps and profiles made in that behalf not exceeding the sum of fifty thousand dollars; that said bonds shall be in such denominations of not less than one hundred dollars each or more than one thousand dollars each, bearing interest from date of issue, at a rate not to exceed five per cent per annum, payable semi-annually; said bonds to be of such form and tenor and transferable in such way and the principal to be payable at such time or times not exceeding forty-five years from the date of the issue of said bonds and at such place or places as the board of county commissioners may determine: <i>Provided</i> , that the said board of county commissioners shall advertise for sale of said bonds and invite bids for the same, but none of said bonds au-
Surveys, maps and estimates.	
Entry on lands.	
Location.	
Filing and approval of maps and estimates.	
Bond issue authorized.	
Amount.	
Denominations.	
Interest.	
Maturity.	
Proviso: advertisement of sale.	

thorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than the par value thereof: *Provided, further*, that the said board of county commissioners may direct that all or any part of the bonds issued pursuant to this act may be registered.

Bonds not to be sold below par.

Proviso: registration of bonds.

SEC. 6. The said bonds shall be numbered and shall be signed by the chairman of the board of commissioners of Lee County and attested by the register of deeds, with the corporate seal of said county of Lee affixed thereto, and the coupons shall bear the engraved or lithographed signature of the chairman of the board of commissioners of said county.

Authentication of bonds.

SEC. 7. The board of commissioners of said county shall have a record kept of all the bonds issued under the provisions of this act in a book provided for that purpose, showing to whom sold, the amount and date of sale, and the number and date of the maturity of each bond.

Record of bonds.

SEC. 8. In order to pay the interest upon the said bonds, the board of county commissioners of Lee County, or other authority vested with the power of levying taxes in Lee County shall annually compute and levy at the time of levying other taxes a special tax upon the polls and upon the real and personal property and all other subjects of taxation in said county, always observing the constitutional equation between the levy on polls and property: *Provided*, that after ten years from the date of the issue of said bonds the said board of county commissioners, or other authority vested with the power of levying taxes in Lee County, shall annually compute and levy, in addition to the levy of the special tax to pay interest on said bonds, a special tax of not exceeding thirty cents on each poll and ten cents on each one hundred dollars valuation of property for the purpose of creating a sinking fund, to be used either in the purchase of said bonds or any of them in the open market or to pay off said bonds at their maturity.

Special tax for interest.

Constitutional equation.

Proviso: tax for sinking fund.

SEC. 9. That it shall be the duty of said board of county commissioners to annually invest any and all moneys arising from the special tax for said sinking fund in the purchase of any of said bonds at prices deemed advantageous, but in the event that the said bonds can not be purchased at prices deemed advantageous by said commissioners, the said sinking fund shall be invested by said board of county commissioners in bonds of the United States, North Carolina State bonds, bonds of any county, city or town of the State of North Carolina, or upon notes or bonds secured by a deposit of any of the aforesaid bonds as collateral security or upon notes or bonds secured by first mortgage on real estate, such loans on real estate not to exceed two-thirds of the assessed valuation, for taxation of said real estate.

Rate.

Investment of sinking fund in bonds.

Alternative investments.

SEC. 10. The funds derived from the sale of the bonds above provided for shall be paid over to the county treasurer, who shall give

Funds paid over to treasurer.

- Additional bond. an additional bond to faithfully keep and disburse said fund only upon proper voucher or warrant issued by the order of the said board of road commissioners, signed by their chairman and secretary and countersigned by the chairman of the board of county commissioners of Lee County. And if said board of road commissioners shall order any of said fund to be paid out for any other purpose than carrying out the provisions of this act, then, in that event, all these road commissioners, voting as in any manner, authorizing the disbursement of said fund for any other purpose than carrying out the provisions of this act shall be guilty of a crime and punished as for a felony. And said treasurer shall be allowed one-fourth of one per cent on said sum in full compensation for this service.
- Warrants.
- Diversion of funds felony.
- Commission to treasurer.
- Use of funds authorized.
- Pay of road commissioners.
- Bridges.
- Roads may be let to contract.
- Responsibility of purchaser of bonds.
- Employment of engineer.
- Duties.
- Convicts hired from penitentiary.
- Hire of labor and purchase of tools and material.
- SEC. 11. The said fund shall be used to pay all expenses incident to the preparation and sale of the bonds, to pay all expenses of making surveys, maps and profiles and estimate of cost of such system of roads the per diem of the members of the said board of road commissioners at the rate of two dollars per day each and actual traveling expenses not exceeding five cents per mile actually traveled, and not exceeding eighteen days in any one year, and pay for the construction of said system of roads in accordance with the surveys, maps and profiles and all bridges not exceeding twenty-five dollars each. All bridges costing over twenty-five dollars each shall be paid for out of the general fund of the county. Said board of road commissioners are authorized and empowered to let by contract the construction of all or any part of said system of roads, at a cost not to exceed the estimate made by the engineer. But the purchasers of said bonds shall not be required to see to the application of said money for the purpose aforesaid.
- SEC. 12. In addition to the duties enumerated for the civil engineer the said board of road commissioners are authorized and empowered to employ him, at such salary as may be mutually agreed upon, to have general supervision of the laying out, locating, re-locating, changing grade or otherwise alter any of the public roads in said district, to prepare plans and estimates, supervise the construction of all roads when constructed under the direction of the said board of road commissioners, and not by contract as above provided, and when constructed by contract to supervise and see that all work is done strictly in accordance with the contract.
- SEC. 13. That said road commission shall have authority to contract with the authorities of the State Penitentiary for such force or forces of convicts as may be necessary to build and construct such system of roads and at such price and on such terms as may be mutually agreed upon by the said road commission and the said authorities of the State Penitentiary.
- SEC. 14. The road commission shall have full power and authority to hire such labor and purchase such tools, material, stock and machinery or other appliance or thing necessary for the proper

working and constructing the public roads of the district, which shall be paid out of any of the road funds of the district.

SEC. 15. That said road commissioners, in constructing and working the public roads herein named, shall make the roadway not less than twenty feet wide or more than fifty feet wide, and shall so lay them out, that the grade shall not be more than three per cent, if practicable to do so without additional cost not exceeding ten per cent. In laying out, opening, constructing or working any public road in said district, the road commission or any person or persons acting under its direction and authority, shall have the right to enter upon the lands of any person over whose lands the road may pass, and may proceed to open said road, and use such stone, earth, timber, or other material as may be necessary for the work, but any timber or wood taken must be at the time thereof within twenty feet of the said road, and doing as little injury as possible to the property, and the said road commission shall have authority to agree with the owner as to the damage sustained by him by reason of such appropriation, and shall order same paid as other claim against said road district.

Width and grade of roads.

Entry on land for construction and material.

Payment for damages.

SEC. 16. That said road commission is hereby empowered to locate, relocate or change, or discontinue, or have located, relocated or changed, or discontinued, any part of any public road in said road district when in their judgment the public interest would thereby be benefited; and when any person or persons on whose land the new road or part of the road is to be located, claims damages therefor and within sixty days after the completion of such road files a petition before said road commission asking for a jury to assess such damages, the said road commission within not less than ninety days nor more than five months after the completion of said road, shall order a jury of three disinterested freeholders in said district, to be summoned by the sheriff or other lawful officer as provided by law, who shall give said landowner or his local representative forty-eight hours notice of the time and place when and where said jury will meet to assess damages; and the said jury being duly sworn in considering the question of damages, shall also take in consideration the benefits to the owner of said road on account of said road, and if such benefit shall be considered equal to or greater than the damages sustained, then the jury shall so declare, and shall report in writing its findings to the said road commission, for revision or confirmation. If the said owner be a non-resident the said notice shall be served by sending said notice by registered letter to such owner at his last known address.

Power to locate, change or discontinue road.

Procedure for assessment of damages.

SEC. 17. That in case the landowner or his legal representative or the road commission shall be dissatisfied with the findings of the jury aforesaid, he or it may appeal from their decision to the superior court of the county of Lee; all such appeals under the provision of this act being governed by the law regulating appeals

Right of appeal.

- Bond on appeal. from justices of the peace; but the judge in his discretion may require the landowner or the commission to give bond when the case is taken by appeal to the supreme court.
- Turning water on roads a misdemeanor. SEC. 18. That no landowner or other person shall turn water upon the public roads in said district without formal order from the road commission, permitting him or them so to do, and any person violating this provision of this act shall be guilty of a misdemeanor and shall be fined not less than twenty nor more than fifty dollars or imprisoned not more than thirty days in the common jail of Lee County; and it shall be unlawful for any person to take and carry away sand, clay, soil, gravel, stone used in constructing said roads, without the consent of said road commission.
- Punishment. SEC. 19. That this act shall apply to all incorporated towns or parts of incorporated towns in the boundaries of said road district and said road commission shall cause the main streets of such town in the district leading out of said towns and on into the public roads of said district to be worked, graded and improved in same manner as the said roads outside of said incorporated towns are worked, graded and improved: *Provided*, this act shall not be construed to give said road commission any power to change the location or width of any street in such towns: *Provided, further*, that they shall not work side streets or alley ways in said incorporated towns which begin and end in said towns: *Provided, further*, that any part of an incorporated town lying in said district shall not be taxed in any way by the board of commissioners or board of aldermen to build streets or sidewalks in that portion of such town lying outside of such district, but all money expended upon the streets and sidewalks in such portion shall be raised by levy of taxes on the polls and property in such section.
- Taking material from road forbidden.
- Main streets of towns.
- Proviso: location of streets.
- Proviso: side streets and alleys.
- Proviso: streets outside of district.
- Special road tax. SEC. 20. That the board of commissioners of Lee County be and are hereby authorized, empowered and required, upon petition of said board of road commissioners to levy at such time as other taxes are levied, a special road tax upon all property in said district not exceeding twenty cents on the one hundred dollars valuation to provide a fund to keep in repair the system of roads provided for in this act and provide funds for carrying out the provisions of this act supplemental to the funds derived from the sale of the bonds above provided for.
- Rate.
- Application of general road law. SEC. 21. That the general road law of the State shall prevail in said district except as it conflicts with the provisions of this act.
- Road law for county to overrule act. SEC. 22. That if this General Assembly shall enact a general road law for the entire county of Lee and the same shall be in full force and effect within six months from the adjournment of this General Assembly, then this act shall not be in force; but if this General Assembly does not enact a general road law for the entire county of Lee, then this act and every part thereof shall be in full force and effect from the adjournment of this General Assembly, and it
- Act effective otherwise.

shall be the duty of the board of commissioners of Lee County within eight months from the ratification of this act if the same be in full force and effect, to appoint the board of road commissioners as above provided for the said district, for a term of two years from and after their appointment and qualification, and fill any vacancy which may occur in said board of road commissioners, and appoint their successors for term of two years.

SEC. 23. That the present method of working roads in said district shall be in force until the completion of the system herein provided for, but this shall in no way delay or hinder the construction of said system of roads: and in addition to the specific directions herein set forth the said board of road commissioners are hereby authorized and empowered to do any and all things that in their discretion may be deemed necessary to work and improve the public roads of said district and to carry out the intents and provisions of this, provided such acts shall not be in violation of this act or the general road law of the State.

Continuation of present law.

General powers of commissioners.

Ratified this the 3d day of March, 1911.

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#### CHAPTER 549.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND NINETY OF PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO FISHING IN POLK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words "seine" or "net" in section three of the above chapter shall not apply to Greene Creek Township.

Greene Creek Township excepted.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 550.

AN ACT TO PROTECT FISH IN THE WATERS OF BLACK RIVER AND ITS TRIBUTARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to catch or attempt to catch fish in Black River or any of its tributaries in Bladen, Pender and Sampson Counties, with hook and line or what is known as hand fishing, on any days in the year except Friday

Days for hand fishing.

and Saturday of each week; and with set hooks, seine nets or any

Set hooks, seines or nets.

other device for catching or killing fish except between the first day of November and the fifteenth day of March in each year.

Misdemeanor.

SEC. 2. Any person violating any of the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction thereof fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days for each offense.

Punishment.

SEC. 3. That all laws or 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 this the 4th day of March, 1911.

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#### CHAPTER 551.

#### AN ACT TO REGULATE THE PAY OF THE COUNTY SURVEYOR OF BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section two thousand eight hundred and two of The Revisal of one thousand nine hundred and five be amended by adding after the word "Rowan" and before the words "and Wayne" in line twenty-six the word "Brunswick" so that the clause shall read "the fees of the county surveyor of the counties of Rowan, Brunswick and Wayne shall be three dollars per day for all services done by them in their official capacity."

Fees.

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

Ratified this the 4th day of March, 1911.

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#### CHAPTER 552.

#### AN ACT TO PRESCRIBE THE FEES OF SHERIFFS IN REGARD TO DRAINAGE DISTRICTS IN BLADEN COUNTY.

*The General Assembly of North Carolina do enact:*

Commissions of  
sheriff and  
treasurer.

SECTION 1. That the fees of the sheriffs of Bladen County shall only be two per cent for collecting, and the treasurers one per cent for paying out any and all moneys taxed as assessment against any person as a drainage assessment or tax.

SEC. 2. All laws or 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 this the 4th day of March, 1911.

## CHAPTER 553.

## AN ACT TO MITIGATE THE EVILS OF HYDROPHOBIA, AND TO PROTECT THE SHEEP INDUSTRY OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all townships and incorporated towns of the county of Haywood, except in incorporated towns having and enforcing an ordinance imposing a tax or license fee on every dog, owned or harbored in said town, there shall be annually levied and collected the following tax upon dogs. Upon every male dog over three months old, kept or owned by any person, firm or corporation, one dollar; upon every female dog over three months old, owned or kept by any person, firm or corporation, two dollars.

SEC. 2. The list takers or assessors of every township or ward at the time of making their annual assessment, shall inquire and ascertain the number of dogs liable to be taxed and requested by the owners thereof to be listed, and shall enter on their regular tax abstract, in a space to be provided for the same, the number of dogs owned by said person, firm or corporation, and shall designate the class of dog, whether male or female, and the amount of tax due as specified in the preceding section. It shall be the duty of the list taker or assessor to explain to the owner of any dog or dogs the effect of listing same, and the amount of tax they will be required to pay. Any person desiring to be relivered of this tax, may within three days after the sitting of the list takers or assessors, in their respective townships, wards or precincts, furnish sufficient evidence to said list taker or assessor, or to some justice of the peace in the county or town where said taxpayer resides, that he has killed said dog or dogs. Upon furnishing said information to the satisfaction of the officer mentioned herein, the owner of said dog or dogs shall be exempt from the tax imposed herein. Any owner failing to list a dog or to kill same as herein specified, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. The sheriff or tax collector shall give to the owners of dogs who pay tax on said dogs, a metal label that may be securely fixed to a dog collar. Such label shall bear the year in which said tax was levied and shall be regularly worn by all dogs required by this act to be listed. The label shall be provided for by the commissioners out of the general fund of Haywood County.

SEC. 3. The clerk to the various boards of county commissioners or town council, as the case may be, shall enter upon their tax duplicates the list as returned herein. The tax receipts shall show in separate columns the amount of dog tax to be paid. Said tax shall be collected by the sheriff or tax collector, in the same manner and at the same time as the general taxes are collected, and with

Dogs to be taxed.

Rate on males.

Rate on females.

Tax lists.

Explanations to owners.

Killing dogs to exempt.

Failure to list a misdemeanor.

Punishment.

Labels.

Lists and receipts.

Collection of tax.

- the same liability as to the proper accounting and settling for same. They shall have power to levy and sell any property of the owner or owners, keeper or keepers of dogs liable to be taxed. They shall receive the same rate of commissions for collecting and accounting for this tax as they now receive for the general taxes.
- Commission. SEC. 4. The sheriff or tax collector shall pay over to the county treasurer, after deducting his commissions as provided in the preceding section, the money arising from this act. The said funds shall become a part of the school fund of Haywood County.
- Funds paid over to use of school fund. SEC. 5. Any county or town officer who shall neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the discretion of the court.
- Neglect of duty a misdemeanor. SEC. 6. Every person or persons in possession of any dog who shall suffer any dog to remain about his premises for the space of ten days previous to the assessment of a tax, or previous to any injury, chasing, worrying or killing any sheep or hogs shall be deemed the owner of such dog for all purposes of this act.
- Punishment. SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.
- Ownership defined. SEC. 8. That this act shall be in force from and after its ratification.
- Ratified this the 3d day of March, 1911.

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## CHAPTER 554.

### AN ACT TO PROVIDE A FUND FOR JUMPING RUN ROAD IN NUMBER THREE TOWNSHIP, PAMLICO COUNTY.

- Preamble. Whereas, the hereinafter named parties own land near Jumping Run road in Number Three Township, Pamlico County, and are desirous that said land be taxed for the support of said road: now, therefore,
- The General Assembly of North Carolina do enact:*
- Committee of view. SEC. 1. That Taylor B. Attmore, John P. Ingle and Paul Woodard be and they are hereby appointed a committee to view the lands owned by the following parties, viz: A. D. Cowell, W. G. Cooper, N. S. Hunnings, C. D. Miller, J. W. Miller, H. D. Potter, A. B. Campen, J. A. Tingle, I. T. and W. C. Toler, and William and A. G. Toler.
- List of land-owners. SEC. 2. That it shall be the duty of the clerk of the board of county commissioners of Pamlico County to notify said committee to meet on the premises in time that their report may be filed with said clerk of the board of county commissioners on or before the
- Notice to committee.

third Monday in July, one thousand nine hundred and eleven. The said committee shall make a thorough investigation as to the condition of said Jumping Run road, and the valuation and location of the land proposed to be taxed for its maintenance and shall state in their report whether said land shall be taxed per acre or by the valuation as appears on the tax books when said land is listed.

The Time for filing report. Investigation and report.

SEC. 3. That there shall be levied on said land by the board of county commissioners in pursuance to the report of the committee aforesaid, a rate sufficient to make a tax of not less than fifty (\$50) dollars nor more than seventy-five (\$75) dollars for the year one thousand nine hundred and eleven.

Tax to be levied.

SEC. 4. That the board of county commissioners are hereby authorized to make an annual levy upon the valuation of said land if the committee appointed by this act should recommend the levy for this year to be on the valuation. If the committee should recommend that the land be taxed per acre for the year one thousand nine hundred and eleven, then the annual levy for the maintenance of this road and its bridges shall be per acre, and shall be at such a rate as the board of county commissioners for Pamlico County shall deem necessary. Said annual tax after the year one thousand nine hundred and eleven not to exceed fifty dollars.

Annual levy.

Rate. Limit.

SEC. 5. That should any members of the committee be unable to serve on account of death, resignation or otherwise, the remaining members of said committee shall appoint some suitable person to fill said vacancy.

Vacancies on committee.

SEC. 6. That the committee mentioned herein shall receive the same compensation as is now allowed to members of the board of county commissioners of Pamlico County for each day's service.

Compensation.

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

Ratified this the 3d day of March, 1911.

## CHAPTER 555.

### AN ACT TO BETTER SECURE THE PROMPT PAYMENT OF TAXES IN RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all persons, firms or corporations whether resident or nonresident of Rutherford County, who shall fail, refuse or neglect to pay all such taxes as are by law assessed against them either upon the property, real or personal, or upon the poll on or before the thirty-first day of December in each and every year, shall as a penalty for such failure, refusal or neglect to pay, be subject

Penalty for non-payment by 31st December.

to a penalty of one per cent for the first calendar month after said date in each year upon the amount due by such person, firm or corporation as taxes due to the State, county and municipal government, or for any other purpose, and two per cent on such net sum of taxes so due for the second calendar month thereafter and until said taxes are paid or collected as now allowed by law.

Execution for taxes.

SEC. 2. If said taxes and penalties are not paid on or before the fifteenth day of March of each and every year, the sheriff of Rutherford County shall issue his tax execution for the same against the property of such defaulting taxpayer whether person, firm or corporation.

Payment by mortgagee.

SEC. 3. A mortgagee may pay the taxes on any property of mortgagor, on which the latter has not paid the tax, at any time before the sale thereof for delinquent taxes, and shall be entitled to include the amount so paid in the debt secured by his mortgage.

Remission of penalty and stay of collection.

SEC. 4. Where the penalty for nonpayment of taxes has attached upon the property held by assignees in bankruptcy which could not be sold before the expiration of the time for payment of taxes, and in all cases where sales of property ordered by any court in this State have not been made in season for the payment of taxes due thereon, the sheriff of Rutherford County may in his discretion remit the penalties and costs, and may grant a stay of collection of taxes until the property shall be sold under order of the court. The original order of the sheriff shall be filed in the office of the county treasurer, and a duplicate kept in the sheriff's office of said county.

Penalties to school fund.

SEC. 5. That the penalties herein provided for shall inure when collected to the public school fund of Rutherford County; and it shall be the duty of the sheriff of Rutherford County to certify to the treasurer of said county an itemized list showing all the penalties collected for the nonpayment of taxes of Rutherford County.

Itemized lists.

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

Ratified this 3d day of March, 1911.

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## CHAPTER 556.

### AN ACT TO AMEND THE REVISAL RELATING TO FEES OF CORONER OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Allowance for investigation.

SECTION 1. That section two thousand seven hundred and seventy-five (2775), chapter sixty-six, Revisal nineteen hundred and five (1905), be amended by adding after the word body, in line nineteen of said section, the following words: "and the board of county commissioners of Buncombe County may also allow the coroner of said

county a reasonable fee, not exceeding five (\$5) dollars for every investigation of death, regardless of whether an inquest by a coroner's jury is held over such dead body."

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

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

Ratified this 3d day of March, 1911.

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### CHAPTER 557.

#### AN ACT TO REQUIRE THE COUNTY BOARD OF EDUCATION OF TRANSYLVANIA AND BRUNSWICK COUNTIES TO PUBLISH AN ITEMIZED STATEMENT OF ALL RECEIPTS AND DISBURSEMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of education of Transylvania and Brunswick counties, together with the county superintendent of education, be required to publish in the month of December in each and every year a full and complete and accurately itemized statement of all receipts and disbursements of all moneys coming into their hands as such board. Said statement shall be published in some newspaper published in said counties if there be one published therein, and if no paper, then same shall be posted at the courthouse door in said counties. Annual publication required. Publication.

SEC. 2. Upon failure to comply with section one of this act, the said board of education shall be guilty of a misdemeanor. Failure a misdemeanor.

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

Ratified this 3d day of March, 1911.

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### CHAPTER 558.

#### AN ACT TO PROVIDE FOR THE RELIEF OF CERTAIN STOCK LAW SECTIONS IN RUTHERFORD COUNTY.

Whereas, certain sections of the county of Rutherford; and, whereas, the sections known as McMahan, Huntley and Piney Ridge sections in Cool Springs and Sulphur Springs townships in said county, incurred an indebtedness thereby and the same was reduced to judgment by the holders of the claims and are bearing interest at six per cent under the said judgment; and, whereas, the amount of the taxes heretofore levied by the commissioners of said county has

Preamble. Preamble.

been and is insufficient to pay the said debts and interest on said claims, the amount of levy in some of the sections not being equal to the interest accruing on said judgment; now, therefore,

*The General Assembly of North Carolina do enact:*

Special tax  
authorized.

SECTION 1. That the board of county commissioners of Rutherford County be and they are hereby empowered to levy a special tax on the property in such districts or any or all of them as shall be sufficient to pay the interest accruing on said amount due and to pay partial payments of the principal each and every year until said claims shall be discharged.

Separate tax lists.

SEC. 2. That the board of county commissioners for Rutherford County be and they are hereby authorized and empowered and it shall be their duty hereunder to require of the assessors of each of the townships wherein such claims may be owing to list separate from the general State and county list of all such property and all persons liable for poll tax as may be found within said section, and all personal and real property as shall be taxable hereunder.

Property to be  
listed.

SEC. 3. That in the listing of said special tax, the lister thereof in each and every section bound by and required to list all property found within the limits of said sections as shown by the records on file in said county of Rutherford relating to said sections.

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

Ratified this the 3d day of March, 1911.

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## CHAPTER 559.

### AN ACT TO PROVIDE GOOD ROADS IN WARSAW TOWNSHIP, DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Trustees named.

SECTION 1. That O. P. Middleton, H. S. Boyette, H. L. Stevens, J. H. Fonville, H. P. Pearce, J. E. Johnson, R. J. Williams, E. J. Hill, J. A. Powell, J. F. Woodard, L. P. Best, R. W. Blackmore and J. R. Wilson are hereby constituted a board of trustees for the public roads of Warsaw Township in Duplin County. The first five shall hold the said position of trustee for six years; the next four for four years, and the last four for two years. At the expiration of the term of any, their successors shall be elected for six years by the county board of commissioners of Duplin County. All vacancies caused by death, resignation or removal from said township shall be filled for the unexpired term by the remaining numbers of said board: *Provided*, that the position of trustees shall not constitute an office

Terms of office.

Election and term  
of successors.

Vacancies.

Proviso: trustees  
not officers.

within the meaning of article seven, section fourteen, of the Constitution of North Carolina.

SEC. 2. That the board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "the Board of Road Trustees of Warsaw Township," and by that name may sue and be sued, make contracts, acquire real and personal property, by gift, purchase or devise; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations.

SEC. 3. That it shall be the duty of the said board of trustees to take control and management of the road of said Warsaw Township, and said trustees are hereby vested with all the rights and powers for such control and management as are now vested in and exercised by the board of county commissioners of Duplin County.

SEC. 4. The board of trustees shall annually elect a chairman and secretary and a treasurer. The treasurer shall have control of all the road funds of the township, and may be required to give bond in a sufficient amount to cover funds coming into his hands. The board of trustees shall annually elect three of their number, who shall constitute and be known as the executive committee. This committee shall meet at stated intervals, as may be directed by the trustees, shall have a chairman and secretary, shall order and issue vouchers for the payment of general expenses connected with working road and the purchase of machinery and implements, which said vouchers shall be signed by the chairman and secretary of the said committee, and a record thereof kept; and the board of trustees may delegate the said executive committee any and all its powers except that of issuing bonds.

SEC. 5. The said board of trustees shall annually elect a superintendent of roads for Warsaw Township, who shall be paid such compensation out of the road fund of said township as may be fixed by said trustees, and who shall hold office for one year or until his successor shall be elected and qualified: *Provided*, that said superintendent may at any time be removed by said board, 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 removal. It shall be the duty of said superintendent, subject to the approval of the board, to supervise, direct and have charge of the maintenance and construction of all public roads in Warsaw Township, and he shall submit to said executive committee a monthly report concerning the work in progress and the moneys expended, and such other reports as may be required of him. As a guarantee of the faithful and honest discharge of the duties of his office the said board may require of said superintendent such bond as may be deemed advisable.

SEC. 6. That said board of trustees may purchase such machinery and implements as may be needed for the proper working and con-

Incorporation.

Corporate name.

Corporate powers.

Duty of trustees.

Rights and powers.

Organization.

Duty and bond of treasurer.

Executive committee.

Meetings and Organization.

Vouchers.

Delegation of powers.

Election, compensation and term of superintendent.

Proviso: power of removal.

Duty of superintendent.

Reports.

Bond.

Powers of trustees.

struction of the roads, may employ a competent engineer or surveyor, and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act: *Provided*, that no person shall be subject to road duty.

Proviso: no road duty.

Entry on land for material.

SEC. 7. That the superintendent of roads of Warsaw Township is hereby authorized to enter upon any uncultivated lands near to or adjoining any public road of said township, to cut and carry away timber, except trees or groves on improved land planted or left for shade or ornament; to dig or cause to be dug and carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair such roads, and enter upon any lands adjoining or lying near such roads, in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person, and any person obstructing such drain or ditch shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days. If the owner of any land from which timber, stone, clay, gravel or sand were taken, as aforesaid, shall present an account for the same through said superintendent to said board of executive committee within thirty days after the taking thereof, it shall be the duty of said board to pay for same at a fair price; and in case of any disagreement as to the value the superintendent of roads shall appoint one freeholder, the person claiming the damages a second, and these two a third, which said three freeholders shall assess said damages and report the same in writing to the superintendent of roads.

Drains or ditches.

Obstructing drains or ditches a misdemeanor.

Punishment.

Payment for material.

Assessment of damages.

Location and changes of road.

Assessment of damages.

SEC. 8. That the said superintendent of roads, with the approval of the trustees or executive committee, is hereby given discretionary power to locate, relocate or change any part of any public road in said township, when in his judgment the same will prove advantageous to public travel; that when any person on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions said board of trustees for a jury to assess the damages, the said trustees shall, within not less than fifteen nor more than sixty days after the completion of said road, order a jury of three disinterested freeholders of Warsaw Township, to be selected and summoned by the sheriff of Duplin County, as provided by law, who shall give said landowner forty-eight hours notice of the time and place when and where the said jury will meet to assess his damages; and said jury, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and if such benefits be considered equal to or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to said trustees for revision and confirmation: *Provided*, that such owner may appeal to the superior court of Duplin County from the decision of said trustees.

Proviso: right of appeal.

SEC. 9. That the said board of road trustees shall be and are hereby authorized and empowered to issue bonds of said Warsaw Township, to be styled "Warsaw Township Road Bonds," to an amount not to exceed twenty thousand dollars, of such denomination and of such proportion as said board may deem advisable, bearing interest from the date of issue thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said board; said bonds to be signed by the chairman and secretary of said board, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall be attached to and imposed upon the political division of Duplin County, known as Warsaw Township, as constituted at the time of the ratification of this act.

Power to issue bonds.

Amount.

Denominations.

Interest.

Authentication.

Maturity.

Bonds not to be sold below par.

Liability on township.

SEC. 10. That for the purpose of providing for the payment of said bonds and the interest thereon, and for the construction, improvement and maintenance of the roads of said township, the board of county commissioners shall annually and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said Warsaw Township, of not less than fifteen cents and not more than thirty-five cents on the one hundred dollars assessed valuation of property and not less than forty-five cents and not more than one dollar and five cents on each taxable poll. The taxes so levied shall be collected as other taxes are collected, and paid to the treasurer of said board of road trustees.

Special tax.

Tax rate.

SEC. 11. That the provisions of all the preceding sections of this act, except section one, shall be submitted to a vote of the qualified voters of said Warsaw Township, at an election to be held on a day to be designated by the board of county commissioners of Duplin County. For the holding of said election said county commissioners shall appoint a registrar and two pollholders and any other officers necessary to said election, and shall order a new registration. At the close of said election, said registrar and pollholders shall count and canvass the vote cast, and declare the result thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said board of commissioners, and no other canvass, report or recording shall be necessary. At said election all voters who shall favor the issue of

Election to be held.

Election officers.

New registration.

Count and canvass of vote.

Report and record of canvass.

- Ballots. bonds, the levy of the special tax and the other provisions of this act shall cast ballots on which shall be printed or written "For Good Roads"; those opposed to such shall cast ballots on which shall be written or printed "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads," then said bonds shall be issued and said tax levied, and the other powers and duties exercised as provided for in this act: *Provided*, that if a majority of said qualified voters shall fail to vote "For Good Roads" said board of county commissioners shall order another election or elections, to be paid in the manner and with the same effect as above provided, at any time within two years of the date of the first election, when requested to do so by said board of trustees.
- Law governing election. **SEC. 12.** That all funds derived from the sale of any bonds by said board of trustees shall be paid over to the treasurer of said board of trustees, and shall be used for the purpose of constructing and improving the public roads in said township, the purchase of such material, machinery and implements and the employment of such officers and labor as may be found necessary in the carrying out of this work.
- Effect of election. **SEC. 13.** That in the working and constructing of roads either convict labor or hired labor, or both, may be used, as may be ordered by said board of trustees; and in the working of convicts on the public roads all rights and privileges existing in regard thereto or that may hereafter exist for the use of convicts in Duplin County or any township therein shall exist and apply to the use of convicts on the roads of Warsaw Township.
- Proviso: further election. **SEC. 14.** That no moneys shall be expended under this act on any road or street in any incorporated town.
- Use of proceeds of bonds. **SEC. 15.** That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to said Warsaw Township, are hereby repealed.
- Labor. **SEC. 16.** That this act shall be in force from and after its ratification.
- Convict labor. Ratified this the 3d day of March, 1911.
- No expenditures for streets.

## CHAPTER 560.

## AN ACT TO ENABLE THE SEVERAL ROAD DISTRICTS OF ROBESON COUNTY TO ISSUE BONDS FOR PERMANENT IMPROVEMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of providing for the construction of a permanent system of good roads in Robeson County under the provisions of this act, the county of Robeson shall be and is hereby divided into six road districts, to contain the territory and to be known and designated as follows: Road districts.

District No. 1 shall be composed of Lumberton, Back Swamp, Raft Swamp, Wishart's, Britt's, Howellsville and Saddle Tree townships. No. 1.

District No. 2 shall be composed of Whitehouse, Sterling's and Orrum townships. No. 2.

District No. 3 shall be composed of Thompson's and Alfordsville townships. No. 3.

District No. 4 shall be composed of Maxton, Smith's and Penbroke townships. No. 4.

District No. 5 shall be composed of Red Springs and Burnt Swamp townships. No. 5.

District No. 6 shall be composed of Parkton, Lumber Bridge and Saint Paul's townships. No. 6.

SEC. 2. Any or all of the road districts hereby created may issue bonds upon compliance with the provisions of this act, but no one district shall issue bonds to an amount exceeding one hundred thousand dollars (\$100,000) and the bonds so issued shall not run for more than thirty years from date of issue and shall bear no greater rate of interest than six per cent per annum, payable semi-annually. Elections may be held in any one or more of the said road districts of the county at any time upon compliance with the provisions of this act, and if at any election called and held hereunder the issue of bonds shall fail to receive a majority of the qualified voters of such road district in favor thereof, then upon the presentation of the requisite petition another election may be held in and for such road district after the expiration of a period of one year from the time of the holding of the former election. Bond issues authorized.  
Limit of amount.  
Limit of term.  
Limit of interest.  
Elections.

SEC. 3. Upon the presentation of a petition signed by one-fifth of the qualified voters of any road district of Robeson County as provided in section one of this act, to the board of commissioners of said county at any regular meeting of said board, setting forth the name and number of the road district for which the bonds are to be issued, the amount of bonds to be issued, the rate of interest to be paid, the term of years for which the bonds shall run and the amount of special taxes to be levied to provide for the payment Petition for election.

County commissioners to order election.

Proviso: limit of amount, interest and term.

Scrutiny of petition.

Time for ordering election.

Appointment of election officers.

Law governing election.

Details of order.

Publication of order.

Election of road trustees.

Incorporation.

thereof, it shall be the duty of the said board of commissioners of Robeson County, and said board is hereby directed, to call an election for said road district upon the question of issuing bonds by said road district for the purpose of building and constructing a permanent system of good roads within said district: *Provided, however,* that the bonds to be issued under the provisions of this act, by any one road district, shall not exceed the sum of one hundred thousand dollars (\$100,000) and shall not run more than thirty years from date of issue and shall bear no greater rate of interest than six per cent per annum, payable semi-annually.

SEC. 4. Upon the filing of such petition it shall be the duty of the board of commissioners of Robeson County to ascertain whether the same be signed by one-fifth of the qualified voters of such road district as existing at the time of the last general election, and the decision of said board of commissioners shall be final and conclusive as to whether said petition be signed by the requisite one-fifth of the qualified voters of such road district, and if said board of commissioners determine that said petition has been signed by the requisite one-fifth of such qualified voters of such road district, it shall be the duty of the said board of commissioners, within thirty days after the receipt of such petition, to order an election to be held in and for the road district to which the petition applies, and also to order a new registration of all voters within the said road district for the purposes of said election, and the said board of commissioners shall appoint the several registrars and judges of election to register the voters, hold the election and count the votes cast thereat, under the same rules and regulations as prescribed by the general election law for holding the election of members of the General Assembly of North Carolina, which said order of election shall set forth the name and number of the road district in which the election is to be held, the amount of bonds proposed to be issued, the rate of interest to be paid, the term of years for which the bonds are to run and the rate of special taxes to be levied to provide for the payment thereof, and the said order of election shall be published at least once a week for four consecutive weeks preceding the said election in some newspaper of Robeson County and for a like period at the court-house door of Robeson County and at four public places within the road district in which such election is to be held.

SEC. 5. That in the order of election so to be made by the said board of commissioners of Robeson County, it shall also be their duty to order and direct that two discreet and competent persons shall be elected at the same time the question of bonds is voted upon, who shall be citizens of the road district in which such election is to be held and who, together with the member of the road commission of Robeson County from that road district, acting *ex officio*, shall constitute a body politic and corporate to be known and designated

as the "Board of Road Trustees of Road District No. . . . . (giving Corporate name. the number) of Robeson County."

SEC. 6. At all elections called and held under the provisions of Ballot boxes. this act, two ballot boxes shall be provided at all polling places, one of which shall be plainly labeled "Bond Issue" and the other shall be plainly labeled "For Member of the Board of Road Trustees of Road District No. . . . . (giving the number) of Robeson County," and all ballots for or against the bond issue shall be deposited in the ballot box labeled "Bond Issue," and all ballots for members of the board of road trustees shall be deposited in the box labeled "For Members of the Board of Road Trustees for Road District No. . . . . (giving the number) of Robeson County."

SEC. 7. At said election all those qualified voters who are in favor Ballots on bond issue. of bonds shall cast a ballot upon which shall be plainly written or printed "For Bond Issue" and all those who are opposed to the issue shall cast a ballot upon which shall be plainly written or printed the words "Against Bond Issue." The road trustees shall Ballots for trustees. be voted for in a separate ballot box and each person voted for shall have his name written or printed plainly on a ballot with the words "For Member of the Board of Road Trustees of Road District No. . . . . (giving the number) of Robeson County."

SEC. 8. The vote at any election held under this act shall be Count and return of votes. counted at the close of the polls and returned over the signatures of the respective registrars and judges of election to the board of commissioners of Robeson County at the first meeting of said board to be held after the holding of such election, at which meeting the said Canvass and record. board of commissioners shall tabulate the votes and returns and declare the result of said election, all of which shall be recorded upon the minutes of the said board of commissioners, and no other recording or declaration of the result of said election shall be necessary. The two persons receiving the highest number of votes cast Trustees elected. in said election shall be declared to be duly elected as members of the board of road trustees of the road district in which such election is held and the board of commissioners of said county shall declare the result of the election for members of the said board of road trustees for such road district, all of which shall be recorded upon the minutes of the said board of commissioners.

SEC. 9. If a majority of the qualified voters of any road district Issue of bonds. within the county of Robeson, as herein provided, shall cast their votes at any such election held under the provisions of this act "For Bond Issue," then it shall be the duty of the said board of commissioners to issue bonds to the amount specified in the petition and order of election, running for the period of time and bearing the rate of interest as set forth in said petition and order of election. The said bonds, and the coupons for interest attached thereto, shall be payable in gold coin of the United States of the present standard of weight and fineness, in denominations of one thousand dollars, Denominations.

five hundred dollars, two hundred and fifty dollars, or one hundred dollars, in the discretion of the said board of commissioners, and the interest shall be evidenced by interest coupons attached thereto, both principal and interest being payable at the place provided for in said bonds, to be determined by said board of commissioners.

The said bonds and coupons shall be numbered consecutively, beginning with the number one, and the coupons shall bear the number of the bond to which they are attached, and all the bonds and coupons shall be signed by the chairman of the board of commissioners of Robeson County and countersigned by the register of deeds of said county as clerk to said board of commissioners, and the official seal impressed thereon, and each of the bonds so to be issued shall show upon the face thereof that they are issued for the purpose of providing funds for the construction of a system of permanent good roads within road district No. . . . . (giving the number) of Robeson County, and that they are payable from taxes to be levied and collected upon property and polls within the said road district and shall not be chargeable to or against any other property or polls of citizens of the county of Robeson lying outside the limits of the said road district for which such bonds are issued. The lithographed signatures of the chairman of the board of commissioners and of the register of deeds of Robeson County, as clerk to said board, affixed to the interest coupons to be attached to the bonds to be issued under the provisions of this act, shall be a sufficient signing thereof, and such lithographed signatures shall have the same force and effect as the original genuine signatures of the said chairman of the board of commissioners and register of deeds of said county as clerk to said board.

Authentication.

Tax for interest and sinking fund.

SEC. 10. That for the purpose of paying the interest upon said bonds and to provide a sinking fund for the payment of the principal when due, the board of commissioners of Robeson County shall levy and cause to be collected, annually, during the period of time such bonds are to run, as other taxes are levied and collected, a tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes and located within the limits of the road district for which such bonds are issued, the said taxes to be levied in the amount set forth in the petition and order of election made thereon, not however to exceed the sum of twenty-five cents on each one hundred dollars valuation of property and not exceeding seventy-five cents on each taxable poll; and the taxes so to be levied under the provisions of this act shall be over, above and in addition to any and all other road taxes now levied, or which may hereafter be levied under authority of law in Robeson County or any division thereof.

Limit of tax rate.

Collection of tax.

SEC. 11. That the taxes levied under the authority of this act shall be collected by the sheriff or other officer charged with the collection of other county taxes, and he shall in respect thereto be

liable officially as well as personally to all the requirements of law now or hereafter prescribed for the faithful collection and payment of other county taxes, and he shall give bond in an amount to be fixed by the board of commissioners of Robeson County for the faithful collection and accounting for said taxes and the said bond shall be subject to approval by the said board of commissioners as other official bonds, and the cost of such bond shall be paid out of the proceeds of the sale of said bonds when sold.

Bond of sheriff.

SEC. 12. For his services in collecting and paying over to the treasurer all sums of money collected under the provisions of this act and for performing all other duties enjoined upon him hereby, the sheriff of Robeson County shall be allowed a commission of four per cent upon all moneys collected by him on account of such taxes, and he shall be entitled to retain this sum upon his settlement of such taxes with the county treasurer, and he shall be entitled to receive no compensation upon payments to the county treasurer.

Commission of  
of sheriff.

SEC. 13. The treasurer of Robeson County shall give bond in such sum as the board of commissioners of Robeson County may require, for the faithful performance of his duties under this act and for the proper accounting for all moneys which may come into his hands under authority of this act. Said bond shall be subject to approval by the board of commissioners as other official bonds and the official bond of the treasurer shall also be liable for the faithful and honest performance of the duties imposed upon him under this act.

Bond of treasurer.

Approval of bond.

SEC. 14. All taxes collected under the provisions of this act shall be paid by the sheriff of Robeson County to the treasurer thereof, and in order to provide for the safe keeping and investment of the funds arising from the taxes levied under this act, the treasurer of said county shall open upon his books an account to be known as "Interest and Sinking Fund Account of Road District No. . . . of Robeson County," and all amounts received by said treasurer from the sheriff for taxes levied hereunder, shall be used in the payment of the interest upon said bonds as the same falls due according to the tenor thereof, and all such amounts as may not be necessary for the payment of interest shall be kept to the credit of the said interest and sinking fund, separate and distinct from all other county funds, for the purpose of paying the principal of said bonds at maturity. The said treasurer is hereby authorized and directed to invest any amounts which may not be necessary for the payment of interest in safe interest-bearing securities, payable to the treasurer for the use and benefit of the said sinking fund: *Provided*, that no investment of said funds shall be made until the security therefor is approved by the board of road trustees of the road district for which the bonds have been issued: *Provided, further*, that it shall be at all times lawful for the said treasurer to use said sinking fund, or any part thereof, in the purchase and retirement of any of the bonds issued under the provisions of this act by the district for the benefit whereof the said sinking fund is held.

Taxes paid over  
to treasurer.

Accounts.

Use of taxes.

Investment of  
sinking fund.

Proviso: approval  
of securities.

Proviso: purchase  
and retirement of  
bonds.

Commission of treasurer.

SEC. 15. For his services in receiving and disbursing the moneys paid into his hands for the said interest and sinking fund account, the treasurer of Robeson County shall be allowed two per cent of the amount so disbursed and he shall be entitled to retain such amount in his settlement as herein provided.

Expenses of elections and bond issues.

SEC. 16. That all expenses arising by virtue of this act in calling, conducting, holding and providing for the election and all expenses incurred in the issuance of the bonds and the sale of same, and the cost of all bonds to be given by the sheriff or treasurer of Robeson County on account of such bonds or the levy of the taxes to provide a sinking fund for the payment thereof, shall be paid by the board of road trustees of the road district issuing the bonds out of the funds arising from the sale of said bonds. If at any election the majority of the qualified voters fail to vote for the issuance of such bonds, then all expenses incurred in the holding of such election shall be paid by the board of commissioners out of the general funds of Robeson County.

Expense of unfavorable election.

Notice to trustees elect.

SEC. 17. Within ten days after the holding of any election under the provisions of this act, if a majority of the qualified voters cast their ballots for bonds, it shall be the duty of the chairman of the board of commissioners of Robeson County to notify the two members of the board of road trustees of the road district in which such election was held of the result of such election, and of their election as members of the board of road trustees for such road district, and within twenty days after the receipt of such notification it shall be the duty of said members to qualify as is provided for in this act. If any person so elected as member of the board of road trustees of any road district within Robeson County shall fail to qualify, then some suitable citizen of that road district shall be elected to fill his place by majority vote by the board of commissioners of said county.

Trustees to qualify.

Vacancy.

Bond of road trustees.

SEC. 18. The board of road trustees of the several road districts of Robeson County who may issue bonds under the provisions of this act, shall be composed of the two members elected as hereinbefore provided and of the member of the road commission of Robeson County from that road district, *ex officio*, and the said body shall be known and styled as the "Board of Road Trustees of Road District No. . . . (giving the number) of Robeson County." The said board of road trustees shall be a body politic and corporate, may sue and be sued, adopt a common seal, hold property, and do any and all things necessary for the accomplishment of the purposes specified in this act.

Name and style.

Incorporation.

Corporate powers.

Vacancies.

SEC. 19. If, for any cause, there should be a vacancy in said board of road trustees, after the election and qualification of the members thereof, then the remaining members of said board shall appoint some competent and suitable taxpaying citizen of that road district to fill such vacancy.

SEC. 20. The members of the said board of road trustees of such road district, before entering upon the discharge of their duties, in addition to the oath to support the Constitution and laws of the United States and of North Carolina, shall take before the clerk of the superior court of Robeson County an oath of office, which shall be signed by the members and recorded in the book of official oaths, as follows: "I, . . . . ., do solemnly swear (or affirm) that I will honestly, diligently and faithfully perform the duties of the office of member of the board of road trustees of Road District No. . . . . (giving the number) of Robeson County, to the best of my knowledge, skill and ability, so help me God."

Trustees to be sworn.

Form of oath.

SEC. 21. The said board of road trustees shall meet at the court-house in Lumberton within twenty days after the holding of the election at which they are elected and shall proceed to organize by the election of one of its members as chairman and another as secretary. The said board of road trustees shall hold meetings at such places within their road district at such times as they may, by resolution determine; and special meetings may be held at any time upon the call of the chairman or any two members of said board, and at all meetings of said board a majority thereof shall constitute a quorum. The members of said board shall receive as compensation while actually engaged in the performance of their duties, the sum of three dollars (\$3) per day and actual expenses, but no member shall receive any per diem for more than two days in any one month.

Meeting for organization.

Organization.

Regular and special meetings.

Quorum.

Compensation of trustees.

SEC. 22. The said road commission shall keep a record and minute of all its proceedings in a book to be provided for that purpose, to be known and designated as the minutes of the board of road trustees of Road District No. . . . . of Robeson County, and the said minutes shall be at all times open to the inspection of the public.

Minutes of proceedings.

SEC. 23. Upon the qualification of the members of such board of road trustees and upon the organization of said board as herein provided, it shall be the duty of the chairman of said board of road trustees to notify the chairman of the board of commissioners of Robeson County of the qualification and organization of said board of road trustees, and thereupon it shall be the duty of the chairman of the board of commissioners of said county to have the bonds issued under the election held as aforesaid to be properly and duly signed and executed by himself and by the register of deeds as clerk to said board, and the official seal to be impressed upon said bonds, and to turn over and deliver the bonds so executed and signed to the board of road trustees of the road district voting the bonds under the provisions of this act.

Notification of organization.

Issue and delivery of bonds.

SEC. 24. Upon receipt of said bonds, it shall be the duty of said board of road trustees to proceed to advertise and sell the said bonds, selling all of said bonds at once or from time to time as said board, in its discretion, may determine. Notice of the sale of such bonds shall be given for twenty days at the court-house door of Robe-

Sale of bonds.

Advertisement of sale.

Award.	son County and published in some newspaper of general circulation in North Carolina and in such other mediums of publicity as the board of road trustees may determine. Upon the day specified therefor in such notice, the board of road trustees shall meet and open and canvass the bids for such bonds and they shall award the said bonds to the highest bidder therefor who shall comply with the terms of his bid: <i>Provided, however,</i> that no bonds issued under the authority of this act shall be sold for less than par value. The said board of road trustees shall record all their proceedings in respect to the sale of such bonds in their minutes and therein shall be set down the number of bonds sold, their par value, to whom sold, at what price sold and when sold and none of the proceeds of said bonds shall be used or applied to any other purposes than those specified in this act: <i>Provided, however,</i> that the purchasers of said bonds shall not be required to see to the application of said fund.
Proviso: bonds not sold below par. Records.	
Funds turned over to treasurer.	SEC. 25. The funds derived from the sale of said bonds shall be turned over to the treasurer of Robeson County and he shall open a separate account for said bonds and the funds so derived shall at all times be kept separate and distinct from all other funds in the hands of the treasurer. Before the proceeds of the bonds are turned over to him, the said treasurer shall give bond for the faithful performance of his duties, and for the proper accounting for such funds, in such sum and with such surety as the said board of road trustees of such road district may determine, and the said bond shall be renewed annually and at such other times as may be required by the said board of road trustees.
Separate accounts and separate funds.	
Bond of treasurer.	
Commission on disbursements.	SEC. 26. For his services in disbursing the moneys arising from the sale of such bonds, the treasurer of Robeson County shall be allowed a commission of two per cent (2%) on all disbursements made by him, and he shall be entitled to retain such commission in his settlement as herein provided.
Deposit of funds.	SEC. 27. It shall be the duty of the treasurer of Robeson County to deposit all the proceeds of bonds received by him under this act, in such bank within the road district within which the bonds are issued, as may be designated by the board of road trustees of such road district in accordance with the provisions of this act.
Advertisements.	And to that end, the said board of road trustees shall, at the time bids for the sale of such bonds are advertised, and for the same period of time as such bids are advertised, post at the court-house door and also publish in some newspaper of general circulation in the county of Robeson, a notice to the effect that at a time therein set forth, it will receive bids for the deposit of the proceeds of such bond issue. All bids shall be sealed and endorsed "Bid for deposit of bond money," and shall be addressed to the chairman of the said board of road trustees. At the time specified in the notice, the board of road trustees shall hold a meeting for the purpose of
Bids for deposits.	
Award of deposits.	

awarding the deposit and at such meeting all bids shall be publicly opened and thereupon the said board of road trustees, by majority vote, shall award the deposit of such bond money to such bank having its principal office within such road district as shall give the undertaking herein required, and as shall agree to pay the highest rate of interest upon daily balances of such fund to be kept on deposit. If any two banks make the same bid, then the deposit shall be divided between them, pro rata, in accordance with the percentage or proportion as determined by said board of road trustees. If any bank having its principal office outside of such road district shall offer a higher rate of interest than the bank or banks within such road district, then the said board of road trustees shall have power, in its discretion, to award the deposit to such bank outside the district. If any bank making a bid shall fail or neglect to comply with the terms thereof, then the said board of road trustees shall award the deposit to the bank making the next highest bid. Before receiving any deposit of bond funds, the bank to which such deposit is awarded shall enter into an undertaking with surety to be approved by the board of road trustees of such road district in the penal sum of twenty-five thousand dollars (\$25,000), or such further sum as said board may require, conditioned for the safe keeping of said funds for the proper accounting therefor and for compliance with the terms of its bid. And upon the execution of such bond and the approval thereof by the board of road trustees, the chairman of said board shall notify the treasurer of Robeson County in writing of the bank designated to receive the deposit, and thereupon it shall be the duty of said treasurer to deposit all proceeds of bond sale in such bank until he shall receive directions to the contrary from the said board of road trustees. It shall be the duty of the treasurer to collect interest due from any bank to the said fund in accordance with the terms of its bid and to deposit the amount of such interest to the credit of the fund, and if any bank shall fail to pay the interest due by it, then the treasurer shall report the same to the board of road trustees and such board shall withdraw the deposit and place the same in another bank and shall proceed to enforce the payment of such interest by legal means and by action in any court of competent jurisdiction. Upon giving the undertaking required hereby, and upon compliance with the terms of its bid, the bank to whom the deposit is awarded shall be entitled to receive and keep all unexpended portions of the proceeds of the bond issue for a period of one year from the date of the award of the deposit to such bank and at the expiration of such period the board of road trustees of such road district shall again advertise for bids and make a new award in accordance with the provisions of this act, and this method shall be pursued until all of the bond money has been expended as herein provided.

SEC. 28. If any such board of road trustees of any road district shall fail, neglect or refuse to direct the deposit of such proceeds

Division of deposits.

Security for deposits.

Notice to treasurer.

Collection and deposit of interest.

Report of default.

Awards annually.

Failure, neglect or refusal a misdemeanor.

of any bond issue in accordance with the provisions of this act, or if the treasurer of Robeson County shall fail, neglect or refuse to deposit the proceeds of any bond issue in the bank or banks designated for that purpose by the said board of road trustees, then the person so offending shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and shall also forfeit and pay the sum and penalty of two hundred dollars (\$200) to any person suing for the same in any court of competent jurisdiction in the county of Robeson.

Punishment.  
Forfeit.

Control of funds.

SEC. 29. The said board of road trustees of any such road district issuing bonds under the provisions of this act, shall have full and complete control of the proceeds of all bonds sold for such road district under the provisions of this act, and the proceeds of all bonds sold shall be used solely and exclusively in the construction of a permanent system of good roads within the district in which the bonds are issued, and in the payment of the salaries, commissions and other expenses herein provided for. All disbursements of moneys received from any bond issue shall be made upon accounts first duly made, itemized and sworn to and filed with the secretary of the said board of road trustees, and the said account shall state the name of the person to whom due, the amount due and the purpose for which the debt was contracted, and when the same is due. No money belonging to any bond fund shall be disbursed by the county treasurer except upon warrant duly issued by authority of the board of road trustees, which said warrant shall be in writing and signed by the chairman and attested by the secretary, and shall specify the amount to be paid, the person to whom to be paid and the purpose for which the money is to be paid; and in his settlement the treasurer shall be credited with the amount of all such vouchers which have been properly issued under the authority of this act and paid by him.

Specific appropriation.

Accounts and vouchers.

Warrants.

Annual settlements.

SEC. 30. On the first Monday in May in each and every year after bonds shall have been voted in any road district, it shall be the duty of the board of road trustees of such district to make settlement with the county treasurer of his account of bond money, and to carefully examine the books of said treasurer and all vouchers for disbursements, and to make settlement accordingly; and if it be ascertained that the said treasurer has or should have any funds in his hands for which he neglects or refuses to account, then it shall be the duty of the said board of road trustees to enter suit in the superior court of Robeson County against the treasurer and his bondsmen and to prosecute such action to final judgment, and to collect the amount so due by said treasurer.

Enforcement of settlement.

Control of proceeds of bonds.

SEC. 31. The said board of road trustees of any road district within Robeson County, in which bonds shall be issued under the authority of this act, shall have full and complete authority, direction and control over the proceeds of bonds issued and sold for the

use and benefit of such road district, and the said proceeds shall be <sup>Use of proceeds.</sup> used by said board of road trustees solely and exclusively in the construction of a permanent system of good roads within the road district in which such bonds are issued, and in the construction and repair of the public bridges in said district. The said board of road trustees shall have power and authority to supervise, direct, and have full charge and control of the building and construction of all public roads and bridges within such road district; full and complete authority to determine what roads or parts of roads shall be permanently improved; full and complete authority to determine and decide the method and manner of the improvement or construction and the material or materials to be used in the construction of all such roads and bridges; how and when the work of construction or improvement shall be done, and by whom it shall be done; said board shall have the full and exclusive charge and control of the laying out of all new roads, the widening or re-location of any public road now in use and the discontinuance of any old road or roads; it shall have full and complete control of all public bridges in said district, with full and complete power and authority to do any and all things necessary to be done for the construction of a permanent system of good roads and bridges within their said road district, and shall have full power and authority to do any and all other things necessary to be done in the furtherance and for the proper discharge of their duties under this act: *Provided, however,* <sup>Proviso: priority of work.</sup> that so far as possible, the said board of road trustees of any road district in which bonds shall be issued, shall first proceed to construct a system of permanent good roads and bridges upon the main highways within the said road district and upon the public roads leading to the main town or market place within such road district, and all such public and important highways shall be worked and permanently improved before any neighborhood road shall be improved, it being the purpose and intention of this act that so far as possible the said board of road trustees of the several road districts shall cause the most important and most traveled roads to be permanently improved before other roads are worked and improved.

SEC. 32. The said board of road trustees of any road district issuing bonds, shall have full power and authority to employ and pay out of the funds under their control, one or more persons skilled in the modern methods of road building to superintend the construction of the system of permanent good roads and bridges to be built in their said road districts; and said board shall also have power to employ and pay such civil engineers, overseers, foremen and other employees as they may deem necessary for the purpose of constructing the system of roads contemplated by this act. In case said board shall determine to engage the services of an expert road builder to superintend the work to be done in said road district under their direction, then the person so to be employed shall be <sup>Employment of superintendent.</sup> <sup>Civil engineers, other officers and employees.</sup> <sup>Selection of superintendent.</sup>

elected by the said board of road trustees upon the recommendation and nomination of the State Geologist, and it shall be his duty to secure and recommend to said board of road trustees some suitable person skilled in modern methods of road building. The said board of road trustees shall have power to reject the nomination so made, but in that event, the State Geologist or his successor in office shall nominate some other person and this method shall be pursued until a competent, suitable and efficient person be elected, it being the purpose and intention of this section that the said board of road trustees shall secure the services of one or more expert road builders to superintend and direct the work of the construction of the system of good roads contemplated by this act.

Teams, machinery,  
tools and equip-  
ment.

SEC. 33. The said board of road trustees shall also have power to engage, purchase or hire, such teams, machinery, tools and equipment as they may deem necessary or advisable for the proper construction of such permanent system of good roads and bridges within such road district, and any and all amounts necessary for the purchase or hire of such tools, teams, machinery or equipment shall be paid out of the funds provided in this act. The said board of road trustees shall also have power to employ and pay any convict labor which they may be able to obtain either from Robeson or any other county in North Carolina, or from the State's Prison; and they shall also have power and authority to employ such free labor as may be necessary for the construction of such system of permanent good roads and to fix the amount or rate of compensation of all such labor so employed and to determine how many hours shall constitute a day's work, and to make such rules and regulations governing the said laborers as may be necessary or advisable. Said board of road trustees shall also, and at any time, have power and authority to remove, discharge or suspend any employee of the said board or any other person engaged in the work of constructing such good roads under their direction or authority.

Employment of  
convict labor.

Employment of  
free labor.

Power of dis-  
charge.

Method of con-  
struction.

Employment of  
officers and labor-  
ers.

Work may be let  
to contract.

Plans and speci-  
fications.

SEC. 34. The method and manner of constructing the system of permanent good roads contemplated by this act, shall rest entirely in the sound discretion of the said board of road trustees. The said board of road trustees may employ superintendents, engineers, surveyors and all necessary labor and cause the work to be done under their direct supervision; the said board may let the entire, or any part, of the work of construction out to a contractor or contractors; or else the said board may let any portion or all of the work out to a contractor or contractors to be done in accordance with the requirements of one or more skilled engineers selected by the said board to superintend the work done by such contractor or contractors. In case the said board of road trustees shall determine to let such road work or any part thereof out to a contractor, then it shall be the duty of said board to employ a skilled person in modern methods of road building to prepare plans and specifications for

the work to be done by such contractor, and upon the making of such plans and specifications to advertise for bids for doing the work, and to let the bids out under such advertisement, requiring in every case where any contractor is employed a good and sufficient bond and guarantee for the faithful performance of his duties under the contract made with him; and in every case where the work or any portion thereof shall be let to any contractor, no moneys shall be paid to such contractor until the work done shall be inspected by the said board of road trustees, and by the expert person elected by said board to lay out and plan the work, and no money shall be paid such contractor until the work done has been approved in writing by the expert employed and in the service of said road trustees; and whenever any contractor shall be employed it shall be the duty of the board of road trustees to withhold a sufficient portion of the contract price of the work to guarantee the faithful performance thereof by such contractor, and to guard against his throwing up his work before completion; and upon the completion of any and all work done by any contractor, his work shall be carefully and thoroughly inspected by the said board of road trustees, and by the expert employed by said board, and the work shall be approved by such expert before settlement is made by the said board of road trustees with such contractor.

Advertisement and award.

Bond of contractor.

Inspection and approval of work.

Reserve for guarantee.

Inspection and approval of work.

SEC. 35. Said board of road trustees shall have power to reject any bid offered by any contractor for doing work for said board, and in the event that said board of road trustees are of opinion that they can not secure the performance of the work by contractor or contractors as cheaply as should be, then said board shall have power to reject any and all bids submitted for doing the work and to proceed to do the work by other methods, and to hire all necessary labor, purchase all necessary machinery, teams, tools, equipment, etc., and generally to do and perform all acts and things necessary and requisite to be done in order to carry out the provisions of this act.

Power to reject bids.

Alternative methods.

SEC. 36. That in re-locating, widening, straightening, grading or opening any public road under the provisions of this act, the said board of road trustees, superintendent, engineer, foreman, contractor or any other person acting under the authority of said board of road trustees shall cause a survey of the proposed change of an old road, or route and width of a new road to be made and shall give notice to the landowner that said land is condemned and needed for the use of the public for a road. It shall thereupon be the duty of the board of road trustees, or of a contractor or some employee thereof acting under the direction and authority of said board of road trustees, to ascertain the damage done to the land thus taken and appropriated for the use of the road, and to agree upon and to pay the owner a reasonable compensation therefor; and if the amount so agreed upon is approved by the board of road

Surveys for road work.

Notice to landowner.

Ascertainment and payment of damages.

Procedure for  
assessment of  
damage.

trustees, an order shall be drawn therefor, and the amount paid by the county treasurer out of the bond funds. In case the board of road trustees can not agree with the owner of the land as to the amount of damages, it shall be the duty of the board of road trustees, or some one acting under its authority and by its direction, to apply to the clerk of the superior court of Robeson County, whose duty it shall be, upon such application made, to at once appoint three disinterested freeholders of the road district in which the land lies, as commissioners to assess the damages. The clerk shall issue an order to the commissioners to meet upon the premises at the time designated by him, which time shall not be less than three nor more than ten days after the service of notice upon the commissioners, and the clerk shall likewise cause notice to the landowner and to the board of road trustees to be given. Upon the day specified in the order of appointment, the commissioners shall meet upon the premises and after being duly sworn to act fairly and impartially, shall proceed to ascertain the damages; and the said commissioners shall take into consideration the benefits which will accrue to the remainder of the property by the building or widening of the road, whether such benefits be common to all persons through whose land said road shall run or confined to the particular landowner, and also any damages which the landowner may sustain by the construction or widening of said road, subtract one from the other and report the difference as their verdict. The landowner and the board of road trustees, or their employees, shall have the right to be present and argue the matter before the commissioners. Said commissioners shall make their report in writing, and the same shall be filed with the clerk of the superior court and shall be recorded upon the judgment docket of said court. That except as herein otherwise provided, the rules of procedure governing other special proceedings shall apply to the proceeding for the condemnation of land as provided in this act. If either the landowner or board of road trustees shall feel aggrieved by the action of the commissioners, they shall have the right to appeal to the superior court in term time as in other cases of special proceedings: *Provided*, that the party appealing shall within ten days after the report of the commissioners shall be filed in the office of the clerk, serve notice upon the adverse party stating the grounds of such appeal, and thereupon the clerk shall transfer the cause and all papers in connection therewith to the civil issue docket of the superior court of Robeson County for trial in accordance with law. The taking of an appeal by either party shall not have the effect of vacating or suspending the verdict of the commissioners, but notwithstanding such appeal, the board of road trustees, upon the payment or tender to the landowner of the amount fixed by the commissioners, shall have the right to enter upon said land at once and cause the same to be taken and used for a public road, and any and all damages which may be finally

Right of hearing.

Right of appeal.

Proviso: notice  
of appeal.

Appeal not to  
delay work.

assessed shall be paid out of the bond moneys at the disposal of said board of road trustees.

SEC. 37. That for the purpose of carrying out the provisions of this act, the board of road trustees, or the superintendent or other employee thereof, or any contractor acting under its authority, are hereby authorized to enter upon any land near or adjoining any public road, and to cut and carry away any timber, except trees or groves on improved land planted for ornament or shade, to dig or cause to be dug and removed any gravel, sand, clay, stone or other material which may be necessary to construct, improve or repair any road and to enter upon any land lying near the road in order to make such changes as may be necessary; and any person who shall interfere with any member of the board of road trustees, or any employee thereof, or any contractor in the service or under the direction thereof, in the discharge of their duties under this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. The owner or agent of the owner of any land from which any material shall be taken as aforesaid, shall present an itemized account of the same to the board of road trustees, and it shall be the duty of said board of road trustees to pay a just and reasonable compensation therefor: *Provided*, that if the landowner be dissatisfied with the amount offered by the said board of road trustees for such damages, he may bring his action in any court of competent jurisdiction, and the amount of damages recovered in any such action shall be paid by the board of road trustees out of the bond moneys in their hands, under the provisions of this act.

Entry on land.

Interference with officers a misdemeanor.

Punishment.

Accounts and payment.

Proviso: right of action.

SEC. 38. It shall be the duty of the said board of road trustees to cause all public roads within their said road district to be thoroughly ditched and drained, and to this end they and their employees, or any contractor acting under their authority, are authorized and empowered to enter upon the lands of any person or persons, and to cut ditch or ditches through said lands as may be necessary to drain said roads, doing as little damage to the improved or cultivated lands as possible. The owner shall be paid a fair and reasonable compensation for any damage done his lands by any such ditch or drain by the said board of road trustees, but if the landowner be dissatisfied with the amount offered by said board of road trustees, then he may bring an action against said board of road trustees in any court of competent jurisdiction for the recovery of such damages, and any amount recovered in such action shall be paid by said board of road trustees out of the bond moneys at its disposal under the provisions of this act.

Roads to be ditched and drained.

Entry on lands.

Payment of damage.

Right of action.

SEC. 39. Any person who shall obstruct the said board of road trustees, or any employee thereof, or any contractor or employee of any contractor acting under the authority and by the direction thereof, in the discharge of their duties under this act, shall be

Obstruction of officers or contractors a misdemeanor.

## Punishment.

Interference with work on roads a misdemeanor.

guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court. And any person who shall interfere with said board of road trustees or any person or persons acting under its authority in the opening of any new road, relocating, straightening or widening of any public road, shall be

## Punishment.

Interference with work on drains or canals a misdemeanor.

guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. If any person shall interfere with the board of road trustees, or any employee thereof, or with any contractor acting under the authority thereof, in the discharge of their duties in opening any ditch, drain or canal, or if any person shall in any way obstruct or interfere with any ditch, drain or canal cut or opened under the direction or by the authority of the said board of road trustees, then the person so offending shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

## Punishment.

Frauds by officers constituting misdemeanor.

SEC. 40. Any member of the board of road trustees, superintendent, engineer, surveyor, contractor or other employee, or other person charged with any duty under this act, or who shall be employed to discharge any duty hereunder, who shall withhold any money collected or received by him by virtue hereof, or who shall render a false account to the board of road trustees, or who shall pay or cause to be paid any false or fictitious claim out of the bond money, shall be guilty of a misdemeanor, and upon conviction shall

## Punishment.

Other frauds constituting misdemeanor.

be fined or imprisoned, in the discretion of the court. If any person shall willfully file any false account with the board of road trustees, or make any false statement in reference thereto, or procure or aid in the procuring of any money upon a false or fictitious claim in relation to the road work herein provided for, he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both in the discretion of the court.

## Punishment.

Interest by officers or employes in contracts or sales forbidden.

SEC. 41. It shall be unlawful for any member of the board of road trustees, superintendent, engineer, surveyor, foreman, overseer, or other employee of such board, or any contractor or other person holding any fiduciary or official relation in connection with the duties imposed by this act, to be interested either directly or indirectly in any contract, undertaking or matter in which the public roads are concerned as provided in this act; and it shall be unlawful for any member of the board of road trustees, superintendent, engineer, foreman, overseer or other employee, or for any firm or corporation in which such member of the board of road trustees, superintendent, engineer, foreman, overseer, or other employee of said board of road trustees is interested, either as partner, stock holder or otherwise, to sell or participate in the sale to said board of road trustees, or any one acting under its authority, or on its behalf, any goods, wares, merchandise, stock, tools, machinery or other article of sale whatsoever, to be used by the said board of road trustees under the provisions of this act: and any person vio-

lating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both, in the discretion of the court, and the person so offending shall also forfeit and pay the sum and penalty of two hundred dollars (\$200) to be paid to any person suing for the same in any court of competent jurisdiction in Robeson County.

Misdemeanor.  
Punishment.  
Forfeit.

SEC. 42. The board of road trustees shall, on or before the first Monday in January in each and every year following their organization, and until the completion of their duties as defined in this act, publish in some newspaper of general circulation in the county of Robeson, an itemized statement and account of all receipts and disbursements made by the said board of road trustees during the preceding year, which said statement shall be sworn to by each member of the said board and attested by the secretary thereof, and the said statement shall also be published at the court-house door of Robeson County for a period of thirty days, and shall show in detail the amount received, from what source received, the date thereof; the amount disbursed, for what purpose disbursed, the person to whom disbursed and the date thereof.

Annual publication of receipts and disbursements.

SEC. 43. Within thirty days after the qualification and organization of any board of road trustees following the issuance of bonds by any road district within the county of Robeson under the provisions of this act, and until the work of the said board shall be completed and closed up, it shall be the duty of the road commission of Robeson County to turn over and pay to the board of road trustees of such road district issuing bonds, any and all amounts coming into the hands of the said road commission or into the hands of the treasurer of Robeson County under the authority of the general road law of the county of Robeson and belonging to the district in which bonds have been issued; and any and all taxes collected under the general law of Robeson County within such road district in which bonds are issued, shall be at the disposal of the board of road trustees for said district, created under the provisions of this act, and all such tax moneys so received from the road commission of Robeson County under the general law shall be used and applied in the construction of a permanent system of good roads and bridges within said road district in accordance with the provisions of this act. And within thirty days after the organization and qualification of any board of road trustees under the provisions of this act, it shall be the duty of the road commission of Robeson County to submit to said board of road trustees a statement of any and all road taxes in the hands of the county treasurer, collected for said road district under the general law; and it shall also be the duty of the said road commission to draw its warrant for the amount to the credit of such road district in the hands of the county treasurer, said warrant to be drawn in favor of said board of road trustees of such road district, and the said warrant shall

Funds to be turned over by road commission.

Application of funds.

Statement furnished trustees.

Warrant for payment.

be cashed by said board of road trustees and turned over to the treasurer of Robeson County to be by him credited and held at the disposal of the said board of road trustees under the provisions of this act. And at any time after the organization of any such board of road trustees under the provisions of this act, and until the work of such board shall be finally wound up, the said road commission of Robeson County upon the demand of such board of road trustees, shall turn over and pay to said board of road trustees any and all taxes levied for road purposes under the general law of Robeson County, which may be due the road district issuing bonds, and the amount so paid shall be turned over to the treasurer of Robeson County, and by him credited and held for the use and benefit of the board of road trustees of such road district, and only disbursed by said treasurer upon the legal warrant of the said board of road trustees as is herein provided.

Road taxes under general law.

Pro rata of bridge fund.

SEC. 44. The board of road trustees of any road district issuing bonds under the provisions of this act, shall also be entitled from time to time, and every year during the existence of such board of road trustees, the pro rata part belonging to said road district of the bridge fund in the hands of the road commission of Robeson County, under the general law; and the pro rata part of the said bridge fund shall be annually, during the existence of such board of road trustees, paid over to said board by the road commission of Robeson County, and when paid over, said money shall be forthwith turned over to the treasurer of Robeson County to be by him credited to the account of the said board of road trustees, and the said amount shall be subject at all times to the disposal of said board of road trustees of such road district and the said amount shall be available in the construction and repair of any public bridge or bridges within the limits of the said road district.

Use of fund.

Term of corporation.

SEC. 45. The board of road trustees of any road district in the county of Robeson within which bonds may be issued and sold under the provisions of this act, shall continue to be and remain a body politic and corporate for a term and period of three years next after the date of their qualification and organization, and during the said period of three years it shall be the duty of the said board of road trustees to construct a system of permanent good roads and bridges within their road district in accordance with the terms and provisions of this act, and to expend the proceeds of all bonds sold by them for such purpose, or so much thereof as may be necessary, and it shall be the duty of said board of road trustees, at the expiration of such period of three years after their qualification and organization to wind up their work and make their final report to the road commission of Robeson County as herein provided.

Duty of trustees.

Final report.

Sworn final statement.

SEC. 46. Within sixty days after the expiration of such period of three years from and after the date of their qualification and organization, it shall be the duty of the said board of road trustees to

prepare a complete and detailed statement of all receipts and disbursements made by said board from the date of its organization, which shall show in itemized form all receipts and all disbursements, and the said final report shall be signed by the members of the said board of road trustees, and shall be sworn to before some officer authorized by law to administer oaths, and a copy thereof shall be posted at the court-house door of Robeson County for thirty days, and another copy shall be filed with the road commission of Robeson County and spread upon the minutes of the said road commission.

Publication and record of statement.

It shall also be the duty of the said board of road trustees, upon the completion of their work and proceedings under this act, to turn over and deliver to the road commission of Robeson County, the minute book kept by said board of road trustees, and said minute book shall thereafter be kept on file in the office of the clerk to said road commission, and shall be carefully preserved by him and shall be at all times open to the inspection of the public.

Filing and preservation of records.

SEC. 47. At the expiration of the said period of three years next after the time of the qualification and organization of any such board of road trustees organized under the provisions of this act, it shall be the duty of said board of road trustees to pay over to the road commission of Robeson County any balance of moneys received as the proceeds of bonds sold under the provisions of this act, and which may not have been expended by the said board of road trustees in the discharge of their duty hereunder; and it shall also be the duty of the said board of road trustees to turn over and deliver to said road commission any and all teams, stock, tools, machinery or other equipment which said board may have purchased for the use of their road district under the provisions of this act; and the said board of road trustees shall submit to the said road commission, under their hands, a full and complete statement of all moneys and property turned over and delivered by said board to said road commission under the provisions of this section, and the said statement shall be recorded upon the minutes of said road commission. Any and all money, assets or property so turned over and delivered by any such board of road trustees to the road commission of Robeson County, under the provisions of this section, shall be held, kept and used by the said road commission for the use and benefit of the road district within the county which issued the bonds from which such money was realized or property purchased; and all such money, assets and property shall be used by the said commission for the use and benefit of the road district to which such property may belong.

Final settlements.

Inventories.

Appropriation of funds and property.

SEC. 48. The said board of road trustees shall have the power to make any rules or additional regulations for the proper construction of a permanent system of good roads and bridges within their road district, not inconsistent with the provisions of this act, as said board may deem necessary and advisable and for the public interest; and the said board of road trustees shall have all necessary

Power to prescribe rules and regulations.

General powers.

power and authority, whether herein expressly conferred or not, which shall or may be necessary to enable the said board of road trustees to carry out and perform the duties enjoined upon them by virtue of this act to enable them to build a permanent system of good roads and bridges within their said road district.

Failure of duty  
a misdemeanor.

Punishment.

SEC. 49. Each and every person who shall fail or neglect to perform the several duties enjoined by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court, except as herein otherwise provided.

Construction in  
connection with  
other acts.

SEC. 50. This act shall not be construed to repeal, amend, supercede or in any manner interfere with the provisions of the act of the General Assembly of North Carolina enacted at the session of one thousand nine hundred and eleven, and providing a general system for the working of the public roads of Robeson County; but this act shall be in addition to the general law and the taxes herein provided for shall be over, above, in addition to and separate from the taxes levied for road purposes under the general law of Robeson County now in force or hereafter to be enacted.

SEC. 51. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 52. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, 1911.

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## CHAPTER 561.

### AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE PUBLIC ROADS OF YANCEY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding at the end of said section these words "except taxes paid by corporations, which may be used in any township in Yancey County in the discretion of the board of county commissioners."

Road duty.

SEC. 2. That section six of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out the word "ten" in line three thereof, and insert in lieu the word "eight," and strike out the word "ten" in line four thereof, and insert in lieu the word "eight," and that said section six of said Public Laws of one thousand nine hundred and seven be and is hereby amended by adding after the word "same" and before the word "all" in line twenty-four of said section six these words:

"*Provided*, that any person may pay to the road superintendent of the road district where he resides the sum of three dollars and fifty cents in lieu of the road duties imposed by said section six: *Provided*, such payment is made during the month of June, and if so made shall be in full for all road duties for one year after date of payment."

Proviso: commutation.

Proviso: time for payment.

SEC. 3. That section ten of Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding after the word "section" and before the word "and" in line eight thereof these words "and work and repair all roads in his district that have been established according to law, giving due attention to roads most used."

Priority of work.

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

Ratified this the 3d day of March, 1911.

#### CHAPTER 562.

#### AN ACT TO IMPROVE THE PUBLIC ROADS OF DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the township supervisors of Duplin County shall have supervision and allotment of the hands of their respective township to stream duty: *Provided*, where two or more townships are divided by the same stream, then the chairman of the board of supervisors of these townships shall allot the stream hands.

Allotment of hands for stream duty.

Proviso: streams on township lines.

SEC. 2. That the road overseers in Duplin County shall have the power and authority when summoning the hands of his section to work on the roads to designate what tool or implement he shall bring and the overseer may also request such hands as own or have in their control a cart or plow and either a horse, mule or ox, to bring one or both to aid in road construction under the direction of the overseer: *Provided*, when any such hand shall furnish a team and plow or team and cart or mule or horse and harness for the drag, he shall be credited with two days work: *Provided*, that any such person so summoned to bring such team or teams and plow or cart who shall by twelve o'clock of the day preceding the one appointed for work on the road by the overseer pay the sum of two dollars, shall be relieved of working on the road for two days, which money shall be used by the overseer in road construction on his section.

Tools and teams.

Proviso: allowance for team.

Proviso: commutation.

SEC. 3. That the road hands shall work on the roads under the direction of the overseer for not less than six days in each year

Road duty.

Failure of supervisors or overseers  
misdemeanor.

Punishment.

and any board of supervisors or road overseers who shall fail to keep the public roads under their charge in good condition shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

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

Ratified this the 3d day of March, 1911.

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### CHAPTER 563.

AN ACT RELATING TO THE KILLING, HUNTING, ETC., OF BIRDS, SQUIRRELS, OPOSSUMS AND RABBITS IN CATAWBA COUNTY.

*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. The close season in Catawba County, or time in each year during which quail and partridges, squirrels, opossum and rabbit shall not be shot, killed, wounded, netted or trapped, or in any manner hunted, taken or captured, shall be from the twenty-fifth day of January to the twenty-fifth (25th) day of November.

Misdemeanor.

Punishment.

SEC. 2. That every person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

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 this the 3d day of March, 1911.

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### CHAPTER 564.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HARNETT COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY AND TO ESTABLISH A CONVICT FORCE FOR HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

Election authorized.

SECTION 1. That the board of commissioners of Harnett County be and it is hereby authorized and empowered to submit to the vote of the qualified voters of Harnett County at such time or times as in its discretion it may deem best, the question as to whether or

not the county of Harnett shall issue bonds in the sum of one hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving and working the public roads of said county. The said board of county commissioners shall, for at least thirty days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue bonds at the election so held, the said board of county commissioners may submit the said question to the qualified voters of said county at any other time or times, under the provisions and regulations hereinafter enacted.

Question to be voted on.

Notice of election.

Proviso: further election.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars of election and the judges and inspectors of election and any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and said county commissioners shall order a new registration for any or all of said elections. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Law governing election.

Proviso: election officers.

Registration and challenges.

New registration.

Count and return of vote.

Canvass and record of returns.

SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters shall have written upon them "For good roads bond issue" or "Against goods roads bond issue," and all qualified electors who favor the issuing of said bonds shall vote for good roads bond issue, and all qualified electors opposed to the issuing of the bonds shall vote against good roads bond issue.

Ballots.

SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote "For good roads bond issue" at said election, the result shall be recorded and declared as aforesaid, and the board of commissioners of Harnett County shall elect four electors, residents of said county, to be known as the highway commissioners of Harnett County, two members from the east side of the Cape Fear River and two members from the west side, and the chairman of the board of county commissioners shall be the chairman of the highway commissioners and shall hold his office for a term of two years: *Provided*, that the said board of county commissioners shall have power to fill all vacancies by death, resignation

Election of highway commissioners.

Chairman.

Proviso: vacancies.

Proviso: political affiliations.	or otherwise, for any unexpired term: <i>Provided, further,</i> that at least two members of said highway commission shall at all times be from members of a different party from that of the majority of said board of county commissioners, said two members to be selected from the political party casting the next highest vote to that political party electing the majority of said board of county commissioners at the last election held for the election of county officers. That as soon as practicable after the election of said members of the highway commission they shall meet and organize by electing one of their members secretary of said commission, and another, or some other suitable person, treasurer thereof, and shall pass such rules and regulations for their government as they shall deem best: <i>Provided,</i> that the highway commissioners shall take an oath before some person authorized to administer oaths to perform their duties of said office to the best of their skill and ability: and <i>Provided, further,</i> that as the term of office of the said highway commissioners shall expire, the board of commissioners of Harnett County shall elect their successors to same for a period of two years.
Meeting for organization. Organization.	
Proviso: commissioners to qualify.	
Proviso: election of successors.	
Selection of highways.	SEC. 5. The highways to be made, opened, built or improved by the highway commission under the provisions of this act shall from time to time be determined upon and designated by the highway commission, and the board of county commissioners in joint session. In determining upon said highways, said joint board shall take into consideration the needs of the entire county and every part thereof, opening or improving those highways which, in their opinion, will be of benefit to the greatest possible number of people of the county, and treating every section of the county with equal justice.
Considerations governing selection.	
Bond issue.	SEC. 6. In the event that the requisite majority of the qualified electors of said county shall vote "For good roads bond issue" at said election, the result shall be declared and recorded as aforesaid, and the board of county commissioners of the county of Harnett shall have prepared bonds in the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest to be determined before the issue thereof by the said board of county commissioners, not exceeding five per centum per annum, with the interest coupons attached, payable semi-annually during the time the said bonds shall run, and the principal thereof shall be payable thirty years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Harnett County, in the town of Lillington, North Carolina, and both the bonds and the coupons shall be numbered consecutively, beginning with the number one, and both bonds and coupons shall be signed by the chairman of said board of county commissioners, and countersigned by the clerk of said board, and the said
Denominations.	
Amount.	
Interest.	
Maturity.	
Authentication.	

bonds shall have impressed upon them the seal of said county. The said bonds shall be styled "Harnett County Highway Improvement Bonds." Style of bonds.

SEC. 7. Immediately upon the preparation and signing of said bonds the said board of commissioners of Harnett County shall turn over to the chairman of the highway commission all of said bonds, without the county seal having been affixed and said highway commission shall have the power to advertise and sell any or all of said bonds at such time or times as they shall deem best for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expenses of said advertising and selling, or any other necessary expenses regard thereto shall be paid out of the taxes levied for road purposes for the previous year by the board of county commissioners, and collected by the sheriff of said county: *Provided*, that before delivering any of said bonds sold by the provision of this section, and under this act, the chairman of the highway commission shall apply to the custodian of the seal of Harnett County, whose duty it shall be to affix the said county seal to the bonds so sold, and no bonds shall be of any value until said seal is so affixed. Delivery of bonds. Sale of bonds. Expenses. Proviso: bonds sealed when sold.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said highway commission by sale, exchange or otherwise for less than their face value, nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said fund. 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 where payable and said bonds shall show by what authority they are issued. The said highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold the number of bonds and their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute book and all other books kept by the highway commission shall at all times be open to the inspection of the commissioners of Harnett County. Bonds not to be sold below par. Specific appropriation. Proviso: responsibility of purchaser. Records. Proviso: records open to inspection.

SEC. 9. When any of said bonds are sold the proceeds of sale shall be turned over to the treasurer of the highway commission, who shall keep said fund and all other funds which may come into his hands separate from all other funds, and he shall keep separate accounts of same; and said treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond payable to the county of Harnett in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year, by reason of this act, conditioned Proceeds of bonds kept separate. Separate accounts. Bond of treasurer.

for his faithful safe keeping of the same and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said highway commission, and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders, and to what account they are chargeable, and shall be signed by the chairman and secretary of said highway commission.

Orders on road funds.

Road tax.

SEC. 10. That in case the said election shall be in favor of issuing bonds as aforesaid, the said board of commissioners of Harnett County shall levy annually the first Monday in June a separate road tax for said county, of not exceeding fifteen cents on the one hundred dollars worth of property, nor exceeding forty-five cents on each poll, and not less than twelve and one-third cents on the one hundred dollars worth of property and thirty-seven cents on the poll, the subjects of taxation and levying of taxes to be the same on which the said board of county commissioners now or may hereafter

Limit of rate.

Collection and application of tax.

be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund applied first to the payment of the interest on said bonds, and, second, to the opening and improvement of public roads under the provisions of the present road law of Harnett County, and, third, to the creation of a sinking fund for the redemption of said bonds. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the interest thereon, shall be used for any other purpose. The said board of county commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however,* that said board of county commissioners, may, in their discretion from time to time use any of said sinking fund, for the purchase in open market of any bonds issued under the provisions of this act.

Sinking fund.

Management and investment of sinking fund.

Proviso: purchase of bonds.

Use of proceeds of bonds.

SEC. 11. That the said highway commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in the said county, and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foremen and laborers as they may deem necessary for said purpose. They shall also employ an expert road engineer to lay out and grade said roads and highways.

Road engineer.

Convicts to be worked on roads.

SEC. 12. That all persons convicted in any of the courts of Harnett County, including justices of the peace, recorder's and superior courts, and sentenced to the roads shall be sentenced to the roads of Harnett County; and all persons now under sentence of said courts and now working upon any of the special road districts in Harnett County, shall be turned over to be worked under the

direction of the highway commission provided for in this act, as soon as said highway commission is organized: *Provided*, that if in the election the bond issue shall fail, then it shall be the duty of the county commissioners of the county of Harnett to levy a special tax, not to exceed twenty-five cents on the one hundred dollars worth of property or seventy-five cents on the poll, to maintain a convict camp and equipment necessary for the support of the convicts of Harnett County, as provided for in this section: *Provided*, *further*, that in the event that the election shall fail to carry the bond issue, then it shall be the duty of the county commissioners of the county of Harnett to employ a superintendent for a convict camp, and take over all convicts now working in special road districts in Harnett County, and work them on the general county roads under the direction of the board of county commissioners.

Proviso: road tax on failure of bond issue.

Proviso: convict work on failure of bond issue.

SEC. 13. That the highways in said county constructed or improved under this act shall not be less than twenty feet nor more than forty feet wide, at least twelve feet of which shall be hard finished as soon as is expedient, and the whole of which shall be as straight as practical, and graded.

Specification for roads.

SEC. 14. That as soon as the highway commission shall deem it necessary they shall elect by ballot a highway superintendent for said Harnett County, and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said highway commission. Said person so elected shall take and subscribe an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of two thousand dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said highway commission. Said highway superintendent shall hold his office for two years and until his successor be elected and qualified, except that the said highway commissioners may for any good cause remove said highway superintendent from his office and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work when and where directed by said highway commission, and shall have such authority and perform such duties as may be from time to time determined by said highway commission.

Election and compensation of superintendent.

Superintendent to qualify and give bond.

Term of office.

Power of removal.

Duty and authority of superintendent.

SEC. 15. That said highway commission shall require the treasurer of said commission to account to them twice annually for the said highway fund, and may require as often as deemed best reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.

Semi-annual settlements.

Reports.

SEC. 16. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission through its agents, are hereby authorized to enter upon any land

Entry on lands.

Assessment of damages.

and locate and build such highways, and if the highway commission, and the owner or owners of said land can not agree as to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned five freeholders, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided, further*, that before entering upon lands as authorized by this section it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highways are to be located upon such land under the authority of this act.

Proviso: notice to landowners.

Present law not repealed.

SEC. 17. That the passage of this act shall not repeal the road law in force, applicable to the general working of public roads in said county: *Provided*, 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 road: *Provided*, also, that the board of commissioners of Harnett County shall levy no taxes for road purposes other than provided for in this act.

Proviso: free and convict labor kept separate.

Proviso: further taxes forbidden.

Employment of physician.

SEC. 18. That said highway commission shall have the authority to employ a physician at any time to assist the county physician in attending the convicts working the public highways, and shall also have power to provide for the care and keeping of said convicts, and to provide all things necessary to carry into effect the provisions of this act.

Care and keeping of convicts.

Pay of commission.

SEC. 19. The said highway commission shall be entitled to the same per diem and mileage as the board of commissioners of Harnett County.

Audit and settlements.

SEC. 20. The board of commissioners of Harnett County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff and county treasurer and said board of county commissioners, and may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fails to account for same.

Fraudulent order a misdemeanor.

SEC. 21. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for, shall be guilty of a misdemeanor and be fined or imprisoned at the discretion of the court, or both, and shall be removed from office, and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars: *Provided, further*, that the board of county commissioners may for good and sufficient cause remove any one or more of the highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Punishment.

Failure of duty a misdemeanor.

Punishment.

Proviso: power to remove commissioners.

SEC. 22. That all expenses incurred by the highway commission on account of meeting held by reason of duties imposed by this act, shall be paid upon their order out of the funds provided for by this act. Payment of ex-  
penses.

SEC. 23. The term "highway" in this act shall be understood to mean all public roads designated as such under the provision of section five of this act, as distinguished from other public roads in the county. "Highway" defined

SEC. 24. The highway commission shall not use more than the proceeds from the sale of thirty thousand dollars worth of bonds in any one year, over and above the amount paid for machinery, implements and stock, except by a two-thirds vote in a joint meeting of the highway commission and the county commissioners. Limit on annual  
expenditures.

SEC. 25. That all laws governing or regulating or creating special road districts in Harnett County are hereby repealed: *Provided, however, if in the election held under this act the issue of bonds shall fail to carry, then all road districts and laws governing the same shall remain as they are now, with the exception of the Lillington road district.* Laws repealed.  
Provido: effect of  
failure of  
bond issue.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

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### CHAPTER 565.

#### AN ACT TO ESTABLISH A SPECIAL COURT FOR CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special court for the trial of misdemeanors and certain civil causes and to be designated as the "Special Court of Craven County" is hereby created and established. Court established.

SEC. 2. Said court shall be a court of record and shall be presided over by a special judge who shall be a licensed attorney at law of good moral character and of good standing in his profession, and who shall be, at the time of his election and qualification an elector in and for the said county, and in his absence or sickness by a substitute special judge who shall possess the same qualifications of the special judge. Court of record.  
Special judge.  
Substitute.

SEC. 3. Said judge and substitute special judge and a clerk of said court shall be elected at a joint meeting of the members of the board of aldermen of the city of New Bern and the members of the board of commissioners of the county of Craven, at the courthouse in said county, on the first Monday of June, one thousand Election of officers.

- Term of office. nine hundred and eleven, to serve as special judge and substitute special judge and clerk, respectively, until the first Monday in December, one thousand nine hundred and twelve. At the next general election in November, one thousand nine hundred and twelve, the special judge and the substitute special judge and clerk, shall
- Election of successors. be elected by the voters of Craven County and shall hold office for two years beginning the first Monday in December, one thousand
- Term of office. nine hundred and twelve. Said judge and substitute special judge and clerk shall, before entering upon the discharge of their duties, take and subscribe, before a person authorized to administer oaths, the form of oaths required of judges and clerks of the superior court, respectively, which said oaths shall be recorded by the clerk of the superior court. The salary of the special judge shall be twelve hundred dollars per year, and the salary of the clerk shall be six hundred dollars per year, to be paid monthly out of the funds and in the manner as hereinafter provided. All vacancies for
- Officers to qualify. judge, prosecuting attorney and substitute judge and clerk shall be filled by said two boards until the next regular term.
- Salaries. SEC. 4. The court shall hold daily sessions, Sundays excepted, at the court-house in Craven County, except when the superior court shall be in session in said county, during which time the sessions of said special court shall be held at such place as shall be provided by the board of commissioners of Craven County and the board of aldermen of the city of New Bern, or designated by the judge, and it is hereby made a duty of the said board of county commissioners and the board of aldermen of the city of New Bern to provide a suitable place for the holding of the said court during the terms
- Vacancies. of the superior court of Craven County. The first session of the said court to be on the second Monday in June, one thousand nine hundred and eleven. The Secretary of State is directed, upon the ratification of this act, to forward a certified copy thereof to the board of aldermen of the city of New Bern and the board of elections of Craven County, and the board of county commissioners of Craven County.
- Sessions of court. SEC. 5. Said court shall have a seal with the impression "Special Court of Craven County," which seal shall be used in attestation of writs, warrants or other proceedings, acts or judgments of said court, whenever required and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.
- First session. SEC. 6. Before entering upon the duties of his office as such clerk of said court he shall enter into a bond with good and sufficient surety, to be approved by the board of commissioners of Craven County in the sum of one thousand (\$1,000) dollars, for the true and faithful performance of his duties as clerk, and for the faithful accounting for all moneys which may come into his hands as such clerk.
- Secretary of State to forward copy of act.
- Seal of court.
- Clerk to give bond.

SEC. 7. The jurisdiction of said court shall be as follows:

(a) Said court shall have final, exclusive original jurisdiction of all criminal offenses committed within the city of New Bern, which are now within the jurisdiction of the justices of peace, or which may hereafter be within the jurisdiction of the justices of peace. Jurisdiction.  
Final, exclusive,  
original jurisdic-  
tion within city.

(b) Said court shall have final, exclusive, original jurisdiction of all violations of town ordinances committed within the limits of the city of New Bern. Jurisdiction as to  
town ordinances.

(c) Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed in Craven County outside of the city of New Bern, which are now, or may hereafter be within the jurisdiction of the justices of the peace. Final, concurrent,  
original jurisdic-  
tion.

(d) Said court shall have final, original, exclusive jurisdiction of all criminal offenses committed in the county of Craven above the jurisdiction of the justices of the peace and below the grade of felony, as now defined by law; also, final, original jurisdiction of larceny, and the receiving of stolen goods, knowing them to have been stolen, when the property stolen does not exceed twenty (\$20) dollars in value, except larceny from the dwelling by breaking and entering in the daytime. All crimes and offenses in this section are declared petty misdemeanors. If said court shall fail to take official cognizance of such offenses within sixty days after their commission, said court shall have concurrent jurisdiction with the superior court. Final, original,  
exclusive jurisdic-  
tion in county.  
  
Jurisdiction of  
superior court

(e) In all criminal cases heard by justices of the peace, and other committing magistrates of said county against any person or persons for any offense included under section (d) of this act, in which probable cause of guilt is found, such person or persons shall be bound in a personal recognizance with surety, to appear at the next succeeding session of the special court of Craven County for trial, and in default of such surety such person or persons shall be committed to the common jail of Craven County to await trial. Cases recognized  
to special court.

(f) In any other criminal matters wherein the said special court has not final jurisdiction, it shall have power, and is hereby fully authorized to hear and bind over to the proper court all persons charged with any crime committed whereof the preliminary investigation is now conferred on the justices of the peace and the mayor of New Bern, and to render such judgment in such matters as now provided by law: *Provided*, that in any case where prosecution has been commenced prior to the ratification of this act the court in which said prosecution has been instituted shall have jurisdiction thereof; and any and all cases heard by the judge of the special court established by this act as committing magistrate against any person or persons for any offense whereof said court herein established has not jurisdiction in which probable cause of guilt is found, such person or persons so charged shall be bound Jurisdiction as  
court of commit-  
tal.  
  
Proviso: cases  
pending.  
  
Recognizances  
to superior court.

in undertaking or recognizance, with sufficient surety, if the crime be bailable under the law, to appear at the next term of the superior court of Craven County for the trial of criminal cases, and conditional for the payment of cost upon conviction, and in default of such bond, or recognizance, such person or persons shall be committed to the common jail of Craven County to await trial, as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Craven County to await the action of the superior court thereof.

## Sentences.

(g) Said special judge shall have all the power and jurisdiction and authority now conferred by law upon justices of the peace of the superior court of Craven County to sentence any person convicted in said court of any offense below the grade of felony, as now defined by law, for which the punishment prescribed by law is imprisonment, to the common jail or to be worked on the public roads of said county, as now provided by law, and the clerk of the said court shall issue commitments therefor in the same manner as now provided by law for clerks of the superior courts.

## Commitments.

## Warrants.

(h) Warrants may be issued by the special judge of said special court for any person or persons charged with the commission of any criminal offense of which the said court has jurisdiction, final or otherwise.

## Offenses heretofore committed.

(i) The said special court shall have jurisdiction of any and all criminal offenses committed before the ratification of this act, and within the jurisdiction hereinbefore conferred, and of which no court has taken jurisdiction.

## Search warrant.

(j) The said court shall have full jurisdiction to issue search warrants in all cases provided by law, and shall have jurisdiction, exclusive, original and concurrent, of peace warrants as herein provided for other offenses.

## Costs.

SEC. 8. The costs of serving warrants, subpoenas and other process issued by the special court shall be the same as now fixed by law and shall be paid to the officer performing such services. The fees for issuing the warrants, subpoenas for witnesses and for making up bill of costs, and for any other process or writ issued by said court or services performed by said clerk, for which a fee is now prescribed by law, shall be the same as now fixed by law for justices of the peace and clerks of the superior courts in similar cases; and every defendant convicted, adjudged guilty, or who pleads guilty in said court shall be taxed with the costs of the prosecution, as now prescribed by law; and all such costs recovered and collected in said court, except costs due to the sheriff, constable, police officers or specially deputized officer, shall be paid on Monday of each week by the clerk of said court to the treasurer of Craven County who shall keep a separate account thereof, and who shall report to the board of aldermen and the board of commissioners of the county of Craven on the first day of each month the amount

## Fees.

## Defendants taxed with costs.

## Costs paid to treasurer.

## Separate accounts.

## Monthly reports of payments.

paid him by the clerk; and the said clerk shall file with the board of aldermen of the city of New Bern and the board of commissioners of the county of Craven an itemized statement of all costs collected by him and paid to the treasurer of the county of Craven for the month preceding. Out of the fees so paid to the treasurer of the county by the clerk of the court there shall be paid monthly the salary of the said judge of the special court, the salary of the prosecuting attorney and the salary of the said clerk of said court, and the expenses of stationery, books, files, dockets and other expenses of said court. If the fees so collected and paid to the treasurer of the county of Craven shall be insufficient to pay the salaries of the special judge, the prosecuting attorney and the clerk of the said court, then the difference shall be paid, one-half by the city of New Bern, and one-half by the commissioners of the county of Craven. If the fees at the end of the year shall be in excess of the salaries of the special judge, the prosecuting attorney and the clerk of the said court, the said excess shall be paid by the treasurer of Craven County, one-half to the treasurer of the city of New Bern, and one-half retained by the said treasurer of the county of Craven and credited to the general county fund of the county of Craven. The clear proceeds of all fines collected by the clerk of said special court shall be paid to the treasurer of Craven County and shall be held by the said treasurer for the purposes now provided by law: *Provided, however,* that all fees due salaried policemen of the city of New Bern shall be paid to the treasurer of the city of New Bern, to be disbursed and expended as now provided by the charter of the city of New Bern and the amendments thereto.

Clerk to file itemized statements.

Application of fees.

Payment of deficiency.

Division of surplus.

Application of fines.

Proviso: fees of salaried policemen.

SEC. 9. The warrants, subpoenas and other processes issued by the said special court shall be directed to the sheriff or other lawful officer of Craven County, and the service thereof shall be lawfully made when made by the sheriff or deputy sheriff of said county or any constable of said county, or any police officer of the city of New Bern or other town or city, or, in the absence of such officers, by any proper person specially deputized by the special judge, in writing, to make service; and said warrants, subpoenas, and other processes of said court, when attested by the seal of said court, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

Issue and service of process.

SEC. 10. Whenever any person is convicted of any offense of which the said court has jurisdiction, and the punishment imposed is a fine or imprisonment, or imprisonment and costs, the special judge shall sentence the defendant to the common jail of the county, or to be worked upon the public roads of the county of Craven until such sentence has been complied with, and the clerk of the said court shall issue commitment of the defendant in accordance with the judgment of the said court: *Provided,* such sentence may be made to work on the streets or other works of the city of New Bern, as now provided in the charter of the city of New Bern.

Sentences to road work.

Commitments.

Proviso: street work.

Civil jurisdiction. SEC. 11. Said court shall have all jurisdiction and powers in civil matters arising in said county which are now, or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this section shall have exclusive original jurisdiction of all other civil actions arising in said county or on said contract, where the sum demanded does not exceed the sum of five hundred (\$500) dollars, and those arising on tort where the value of the property or the amount in controversy does not exceed five hundred (\$500) dollars.

Appeals. SEC. 12. Any person desiring to appeal to the superior court in a criminal or civil case from a judgment of the special court shall be allowed to do so in the same manner as now provided for appeals from the courts of justices of the peace, upon an undertaking in double the amount of the judgment rendered to stay execution and to secure the payment of costs: *Provided, however*, that an order may be made as is now provided by law, *in forma pauperis*, upon certificate and affidavit to appeal without giving undertaking for costs.

Summons in civil actions. SEC. 13. All civil actions shall be commenced in said special court by summons issued by the clerk of the special court, and shall be returnable the first Monday after service: *Provided*, service shall be had on or before Wednesday preceding the day of return. The plaintiff shall file a written complaint on the return day of such summons. The defendant shall file his written answer or demurrer on or before Wednesday night following the return day of said summons, and the case shall stand for trial on the first Monday after the return day thereof.

Judgments docketed. SEC. 14. All judgments in civil actions, except those for costs only, rendered by the judge of the special court shall be duly docketed in the office of the clerk of the superior court, and execution shall issue thereon, as now provided for by executions.

Judge, substitute and attorney may practice law. SEC. 15. Nothing in this act shall prevent the judge and substitute judge of the special court and the prosecuting attorney of the special court from practicing law in the higher courts of the county and State in any and all cases which have not been passed upon by the said judge, or prosecuted by the said attorney in the said special court.

Jury trials. SEC. 16. That either plaintiff or defendant in actions in this court may demand and have a jury, as provided in courts of justices of the peace, except that the jury shall be twelve in number instead of six; that the judge of the said court, in all cases in which, in his judgment, the ends of justice would be best served by submitting the issue to a jury, may have a jury called of his own motion, as above provided, and submit the issue to the jury.

Recovery of penalties. SEC. 17. Said court shall have jurisdiction to try all actions for recovery of any penalties imposed by law or this act, or by any ordinance of the city of New Bern, for any act done within said

city of New Bern contrary to law or said ordinance, and said penalty shall be recovered in the name of the said city of New Bern.

SEC. 18. It shall be the duty of the clerk of the said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court, imposed under the provisions of this act, and the said record shall show the name and residence of such offender, the nature of the offense, the date of hearing of trial and the punishment imposed, which record shall be, at all times, open to and subject to inspection by the board of commissioners of the county of Craven and the board of aldermen of the city of New Bern, and other persons having business relating to the said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the superior court. He shall also provide proper files to properly keep records of all causes which shall be disposed of in said court, and what disposition has been made of them.

Record to be kept by clerk.

Records open to inspection.

Permanent dockets.

Files.

SEC. 19. All cases which have heretofore been hearable by the mayor of New Bern shall, after this act goes into effect, be tried by the special court created by this act; and all cases which are pending in the superior court of Craven County at the time this act goes into effect and which this court has jurisdiction under section eleven of this act, shall be transferred to the special court, and the same shall be disposed of in this court, and all cases pending before the justices of the peace of Craven County shall be tried and disposed of by said justices in accordance with the law as it existed at the time of the ratification of this act.

Transfer of cases.

Cases pending before justices.

SEC. 20. In the absence of the special judge from the city of New Bern, or in the event of sickness or disability to hold the daily sessions of said court, the court shall be presided over by the substitute special judge elected as herein provided, and he shall have all the powers, and perform all the duties the same as the special judge. His compensation shall be five (\$5) dollars per day, to be paid out of the salary of the special judge.

Duties and powers of substitute judge.

Compensation.

SEC. 21. The special judge, substitute special judge, prosecuting attorney, or the clerk of the said court may be removed from office by the board of aldermen of the city of New Bern and the board of commissioners of the county of Craven in joint session, after hearing and notice to the officer whose removal is being investigated, upon proof of immorality or continued neglect of the duties of his office; and if either of said officers is removed, the boards at a joint meeting shall elect his successor for the unexpired term.

Power to remove officers.

SEC. 22. There shall be elected at the same time, and in the same manner as the special judge, a prosecuting attorney who shall be a licensed attorney at law, of good moral character and of good standing in his profession, and who shall be, at the time of his election and qualification, an elector in and for the said county and

Prosecuting attorney.

- Prosecuting attorney to qualify. who shall, before entering upon the discharge of his duties, take and subscribe the oath in the form required of solicitors, before the clerk of the superior court of Craven County, or other person authorized to administer oaths, which said oath shall be recorded by
- Duty and salary. said clerk. The said prosecuting attorney shall prosecute actions before the special court, and his salary shall be six hundred dollars per year, to be paid monthly, in like manner as the salary of the special judge.
- Attorney's tax fee. SEC. 23. There shall be taxed in the bill of costs in each case a fee for the prosecuting attorney, as now provided in cases for the solicitor in the superior court. Such fees shall be paid into the cost fund as other costs of said court, and to be used as other costs collected.
- Prosecution on appeals. SEC. 24. It shall be the duty of the prosecuting attorney, upon request of the solicitor, in all cases of appeal to the superior court, to assist the solicitor in said court, without any additional compensation.
- Jurisdiction of justices of the peace. SEC. 25. All justices of the peace of Craven County shall have the same jurisdiction as heretofore to issue warrants in criminal cases, but in the city of New Bern the same shall be returnable to and triable before the special court, and other justices of the peace of Craven County in sections of Craven County other than that of the city of New Bern may, by order as therein or thereon endorsed, make the warrant in any case, returnable to the special court, and in all such cases the special court shall have jurisdiction as herein provided.
- Fees of witnesses. SEC. 26. All witnesses compelled to attend by the subpoena of the special court shall be entitled to the same fees as is now provided in the superior court, to be paid as provided for in cases in that court.
- Act to be submitted to election. SEC. 27. That this act shall become operative when submitted to the voters of the city of New Bern and county of Craven, and approved by a majority of the votes cast at the regular city election held in May, one thousand nine hundred and eleven, and at a called election to be held in the precincts outside of the city of New Bern on the same day, to be advertised for thirty days in some newspaper published in Craven County, and in other respects to be held as general election, and to be canvassed, certified and returned, both as to the city and outside vote, in the same manner as general county elections. And at the said election those in favor of the adoption of this act shall vote a ballot on which shall be printed or written "For special court," and those opposed shall vote a ballot on which shall be written or printed "Against special court"; and if a majority vote "For special court," then this act shall be in force and become operative.
- Ballots.
- Effect of election. SEC. 28. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 29. This act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, 1911.

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CHAPTER 566.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO REMOVE THE STOCK LAW FENCE FROM AROUND LITTLE RIVER TOWNSHIP.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Transylvania County be and they are hereby authorized and empowered to order the removal of the stock law fence surrounding Little River stock law boundary in said county and they are further empowered to sell the material out of which said fence was built at the best possible price and apply the proceeds of such sale to the payment of the debt contracted for the building of said fence.

Removal of fence and sale of material authorized.

Application of proceeds.

SEC. 2. Any person or persons interfering with the removal or preventing or attempting to prevent the removal of said fence or any part thereof shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

Interference with removal a misdemeanor.  
Punishment.

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

Ratified this the 3d day of March, 1911.

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CHAPTER 567.

AN ACT TAXING DOGS IN ASHE AND MITCHELL COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all persons owning or keeping a dog or dogs, must pay a tax on the same of one dollar annually.

SEC. 2. That the taxes shall be listed at the same time and place as other property.

SEC. 3. That any person failing to list any and all dogs over six months old shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars.

Failure to list a misdemeanor.  
Punishment.

SEC. 4. That all such tax shall be collected by sheriff as other taxes are collected, and turned over to the treasurer of said county and held as a fund to reimburse any person or persons who may have sustained loss by reason of dogs damaging their stock, at the same price such property was listed for taxation, to be determined by the county commissioners upon sufficient evidence.

Collection and settlement of tax.  
Payment of damages by dogs.

Surplus to road fund.

SEC. 5. Any surplus fund on hand on the first day of January of the next year, may be turned over to road trustees of the various townships of said county, as other road tax.

Application of act.

SEC. 6. That this act shall apply only to the counties of Ashe and Mitchell.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 568.

#### AN ACT TO PREVENT DUMPING OF SAWDUST IN BUFFALO CREEK AND TRIBUTARIES IN FORSYTH AND STOKES COUNTIES.

*The General Assembly of North Carolina do enact:*

Dumping sawdust forbidden.

SECTION 1. That it shall be unlawful for any person, firm or corporation to dump sawdust into Buffalo Creek or its tributaries in the counties of Forsyth or Stokes.

Misdemeanor.

SEC. 2. That any person, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned in the county jail not more than thirty days.

Punishment.

SEC. 3. This act shall be in force from the first day of May, 1911. Ratified this the 3d day of March, 1911.

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#### CHAPTER 569.

#### AN ACT TO PROHIBIT HUNTING AND SELLING QUAIL AND FOR THE BETTER ENFORCEMENT OF THE GAME LAW IN SURRY COUNTY, AND TO PROHIBIT BIRD DOGS FROM RUNNING AT LARGE IN CERTAIN SEASONS.

*The General Assembly of North Carolina do enact:*

Open season.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to hunt, kill or injure with dogs, traps or otherwise, any quail in the county of Surry except during the months of December and January of each year; nor shall any such person or persons, firm or corporation for themselves, or any other person for their kill, trap or injure more than fifteen birds in any one day during said time.

Limit of kill.

Netting or trapping forbidden.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation to net or trap any quail in said county of Surry.

SEC. 3. That it shall be unlawful for any person or persons, firm or corporation to ship, carry or to directly or indirectly aid or encourage in any way, the conveying of any quail or partridges for the purpose of trade or barter, gain or profit, to any point outside of Surry County. Shipment forbidden.

SEC. 4. That any person or persons, firm or corporation violating sections one, two and three of this act shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than fifty dollars or imprisoned not to exceed thirty days. Violations a misdemeanor.  
Punishment.

SEC. 5. That this act shall apply only to Surry County. Application of act.

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 this the 3d day of March, 1911.

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#### CHAPTER 570.

#### AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN MAGNOLIA AND ROSE HILL TOWNSHIPS IN DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the boundary line between Magnolia and Rose Hill Townships in Duplin County be changed as follows: Beginning at a point where Magnolia and Rose Hill township lines intersect the Atlantic Coast Line Railway, at or near Cabin's trestle; thence with the western boundary or line of the W. A. Brooks' lands a northern and eastern course with the western, northern and eastern boundaries or line of said W. A. Brooks' lands to a point where Magnolia and Rose Hill township lines join the run of Cabin Branch. Line changes.  
Courses and stations.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 571.

#### AN ACT CONCERNING CERTAIN FEES OF THE SHERIFF AND OTHER OFFICERS IN BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all officers authorized by law to serve processes be, and they are hereby allowed to charge and collect the sum of sixty (60) cents for serving instanter subpoenas and their actual Instanter subpoenas.

Claim and  
delivery papers.

and necessary expenses in serving claim and delivery papers, to be charged and collected out of the party against whom the same is taxed, as per the judgment of the court.

Application of act.

SEC. 2. That this act shall apply only to Burke County.

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 this the 3d day of March, 1911.

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### CHAPTER 572.

#### AN ACT TO PROVIDE FOR LEGALIZING PRIMARY ELECTIONS FOR THE COUNTY OF RICHMOND.

*The General Assembly of North Carolina do enact:*

Ballot primaries  
authorized.

SECTION 1. That each and every political party in the county of Richmond may hold ballot primary elections for the purpose of choosing candidates for county and township officers, including members of the House of Representatives in the General Assembly of North Carolina, and candidate for such other State and national offices as the executive committee of said county may direct in the call for said primary election, and for the purpose of selecting delegates to county conventions and electing precinct committees, and said ballot primary elections shall be held under the provisions of this act, the date thereof to be fixed by the county executive committee of such party so holding a ballot primary election.

Time and place  
of elections.

SEC. 2. The hours and places for holding said primary election shall be for such length of time and at such places as the executive committee of such party or organization may name.

Party  
registration.

SEC. 3. In the county of Richmond there shall be a party registration of the voters in each precinct, and no person shall be allowed to vote in any ballot primary election unless he shall have been registered as provided for in this act.

Registrar and  
managers.

SEC. 4. There shall be appointed by the county executive committee of the political party so holding the primary election a registrar for each of the voting precincts; and there shall also be appointed by the said executive committee two managers for each of the said voting precincts. The two managers and the registrar for any precinct shall constitute the precinct board of managers for holding the primary elections in that precinct.

Oath of election  
officers.

SEC. 5. Before entering upon their duties, the registrars and managers shall each take and subscribe to an oath before a notary public or some other officer authorized to administer oaths, that he will honestly, fairly and impartially and lawfully hold said primary

election to the best of his ability, which oath shall be filed with the clerk of the superior court of his county.

SEC. 6. That any voter desiring to vote, and whose name does not appear on the registration books, or the certified copies thereof, may if entitled under the law register and vote on the day of the primary election, but subject to challenge as hereinafter provided, but before he is registered shall take the following oath: "I do solemnly swear that I am . . . . . years of age and that I am a resident of . . . . . Precinct, and that at the election to be held on the . . . . . day of . . . . . for members of the General Assembly of North Carolina, I shall have been a resident, continuously, of the State of North Carolina for two years, of Richmond County six months, and of . . . . . Precinct for four months." The registrar shall state on the registration book in figures opposite the name of the person so registering the age as sworn to by aid person.

Registration on election day.

Oath taken on registration.

SEC. 7. Before a primary election is held, the registrar shall investigate the names appearing on the registration books of the certified copies of the same and any person shall be permitted to challenge the right of any voter whose name appears on said books to vote and participate in the said primary election, and the precinct board of managers, on the day of the primary, shall hear and determine the right of said voter to vote in said primary election; and if said board of managers are satisfied that the person whose vote is challenged has no right to vote in said primary election, they shall cause the name of the person so challenged to be struck from said registration books, and he shall not be permitted to vote in said primary election. The causes of challenge shall be as follows:

Challenges.

Hearing on challenges.

(a) That the proposed voter shall not have been a resident of the State of North Carolina continuously for two years at the time of holding the election for which the candidates to be named in said primary election are to be voted for; (b) that the proposed voter has not paid his poll tax as provided for by law; (c) and that the proposed voter is a member of another political party other than the one holding said primary election; (d) that the proposed voter is not twenty-one years of age, and will not be at the next election for members of the General Assembly.

Causes of challenge.  
Non-residence.

Non-payment of poll tax.  
Other party affiliation.  
Non-age.

SEC. 8. When any person's right to vote is challenged, on the ground that he is a member of another political party other than the one holding the primary election, he shall take the following oath: "I do solemnly swear that I am a bona fide member of . . . . . party, and that I will abide by the result of this primary." Failure to take this oath shall be conclusive evidence that said person is not a member of the party holding the primary election, and the board of managers shall sustain the challenge.

Oath of party affiliation.

Conclusive evidence.

SEC. 9. Every bona fide member of the party holding such ballot primary election, who will be a qualified elector on the day of election for which said candidates are to be named in said primary

Qualified voters.

Resident of precinct.

election, shall be permitted to vote and participate in said primary election, but only in the precinct in which said voter resides.

Ballot boxes.

SEC. 10. Before any ballots are received for said primary election, and immediately before opening the polls, the board of managers shall publicly open each ballot box to be used in said election and examine the same carefully, and having ascertained that the same is empty, the said boxes shall be closed and locked or sealed and the ballots shall be deposited in the same through an opening in the top of said boxes, and the said boxes shall not be opened again until the polls are closed.

Copies of registration books.

SEC. 11. That the custodian of any registration books in the county of Richmond shall on demand allow any person to make a copy of such registration books, and such custodian shall upon demand and upon the payment of twenty-five cents for each one hundred names furnished to any chairman or manager of any political party, organization or association, a certified copy of the registration books of any or all of the precincts.

Registration books at polls.

SEC. 12. The board of managers shall have the registration books, or certified copies, of their party for the precinct present on the day said primary election is held, and each voter, on presenting himself to vote, shall call out his name, and shall be allowed to vote if he has registered as required by this act, and his right to vote has not been successfully challenged and is not then successfully challenged; and as soon as he has voted one of the precinct board of managers shall check his name on the registration books and his name shall be written on the tally or poll sheet of said precinct, and he shall not be allowed to vote again in said primary election.

Method of voting.

At the close of such election, the board of managers shall publicly count the votes, declare the result, and shall, on or before the second day after the primary election is held, certify the same to the chairman of the county executive committee of their party: *Provided*, that any voter in said precinct shall have the right to personally inspect any ballot as it is counted. The board of managers of each precinct shall return to the county executive committee, by one of their number, the registration books and tally or poll sheets for inspection at the canvass of the votes; and at the close of the canvass he shall deposit said registration books and tally or poll sheets with the clerk of the superior court of his county, where they shall be kept as nearly as may be provided for keeping such books and tally or poll sheets in elections for members of the General Assembly.

Tally or poll sheets.

Count and return of votes.

Proviso: inspection of ballots.

Return and deposit of registration and poll books.

Canvass of returns.

SEC. 13. The county executive committee shall meet at the courthouse in the town of Rockingham at eleven o'clock a. m., on the second day after the primary election is held, receive, canvass and declare the result; and if any person shall have received a majority of all the votes cast for the office for which he is a candidate, the said committee shall so declare and the said person shall be the

nominee of his party for that office; but if no person shall have received a majority of all the votes cast for an office, the said committee shall declare the person receiving the next highest number of votes for said office, or some one authorized in writing to act for him, demands of said committee in writing that another primary election be held; in which case a second primary election shall be ordered and held under the rules and regulations herein provided, and said primary election shall be held within twenty days thereafter: *Provided*, that in the second primary election no votes shall be cast except for the two persons receiving respectively the highest and the next highest number of votes cast in the first primary for the same office. In the event that each person voted for in the second primary received the same number of votes, the county executive committee shall decide by lot which of them shall be the candidate of the party for that office. The second primary election shall be held on the same registration as the first; and no one shall be allowed to vote in the second primary election who could not have voted in the first.

Declaration of nominee.

Second primary if demanded.

Proviso: candidates in second primary.

Settlement of ties.

SEC. 14. The county executive committee in ordering a primary election shall provide and distribute written or printed ballots for such candidates as may deposit with them not less than five days before the date for holding said primary election to cover the actual cost of printing the same; and they shall in the call for primary elections state what size and character of tickets shall be used, which shall in all cases be printed or written on white paper without device and shall be of plain roman print, or written or partially written and partially printed. A reasonable or substantial compliance with the requirement hereof as to the size of the tickets shall be deemed sufficient. The said county executive committee shall pay each registrar and manager not exceeding one dollar and fifty cents per day for services: *Provided*, each and every registrar shall receive equal pay for services.

Provision and distribution of ballots.

Ballots.

Pay of election officers.

Proviso: equal pay.

SEC. 15. The several registrars of said primary elections, after having been duly sworn as herein provided, shall be empowered to administer such oaths as are herein required of the voters or proposed voters.

Registrars to administer oaths.

SEC. 16. That such portions, paragraphs and provisions of the general election law of this State regulating the conduct of the general election for which said primary election is held to name candidates, as are not inconsistent with the true purpose and intent of this act, shall be and are hereby made a part of this act. And all provisions of the general election law of this State and amendments thereto which shall be in force at the time of holding any primary election under this act relative to perjury or false swearing, the making of false returns, false registration, intimidation of voters, bribery and the use of intoxicating liquors in the general election, shall be in full force and effect in holding said primary elections provided for in this act.

Application of general election law.

Announcement of candidacy.

SEC. 17. That every person who wishes to be a candidate in said primary election, for either member of the House of Representatives in Congress, superior court judge, solicitor, State senator, member of the House of Representatives, in the General Assembly, sheriff, clerk of the superior court, registrar of deeds, surveyor, and any other State or district office, not herein enumerated, shall at or before ten o'clock p. m. on the tenth day preceding the day for holding the same, file with the chairman of the county executive committee a written announcement naming the office for which he is a candidate, and stating that he will abide by the result of the primary elections; and he shall also pay the county executive committee the fee prescribed by the rules according to the nature and emoluments of the office for which he is a candidate, the same to be used in defraying the expenses of holding said primary elections, not hereinbefore provided for; and no person shall be voted for as candidate for said office at said primary election until he has complied with the aforesaid provisions: *Provided, however,* that friends of any person who may desire to be a candidate for any of the above-named offices may at or before ten o'clock p. m., on the tenth day preceding the day for holding said primary elections, file with the chairman of said committee a written statement requesting said committee to place the name of such person upon the official list of candidates to be voted for in said primary election.

Contribution to expenses.

Proviso: requests by friends of candidate.

Delegates to convention and precinct committees.

SEC. 18. That it shall not be necessary for persons who are to be voted for as delegates to the county convention or as members of the precinct committee to announce themselves as candidates, but such persons may file their announcements, or friends of such persons may file their written request, asking that their names be put upon the official list of candidates for the respective precincts in which they are to be voted for; and if they are so filed at or before ten o'clock in the afternoon on the tenth day preceding the election, the names of such persons shall be placed upon the list of official candidates.

Publication of lists.

SEC. 19. The county executive committee, after announcements of all candidates have been filed, shall publish immediately a list of the same in one newspaper published in the town of Rockingham. Said executive committee shall provide registration books and blank tally or poll sheets, and have general supervision of the primary election of the county.

Registration books and blanks. Supervision of primary.

Precinct committees and delegates to county conventions.

SEC. 20. At the first primary election held preparatory to a general election an executive committee shall be elected in each precinct, and there shall also be elected as delegates to the county convention a number of delegates to which such precinct may be entitled under the party plan of organization.

Candidates to file statements of expenses.

SEC. 21. Within ten days after said primary election is held every candidate on the official list of candidates voted for in the same shall file with the clerk of the superior court of Richmond County an

itemized sworn statement of the money or other things of value spent or used by him, either directly or indirectly in said primary election, setting forth the names of the persons to whom money or other thing of value was given or promised and the purpose for which it was given or promised; and should any candidate fail or refuse to file any such sworn statement within the time prescribed, he shall be disqualified for the nomination to which he aspires.

SEC. 22. That any and all ballot primary elections held in the county of Richmond shall be held under the provisions of this act: Primaries governed by act.  
*Provided*, that nothing herein shall be construed as compelling any political party to hold a ballot primary election. Proviso: ballot primaries optional.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed, but only in so far as they affect the provisions of this act. Repealing clause.

SEC. 24. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

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## CHAPTER 573.

### AN ACT TO CREATE THE GIBSON POLICE DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of affording police protection to the inhabitants thereof against disorderly conduct, riotous behavior, drunkenness, cursing, swearing, indecent exposures, and such other and kindred conduct as may properly come within the reasonable ordinances of an incorporated town, the following territory, adjoining the town of Gibson, and lying and being in Williamson Township in the county of Scotland, be and the same is hereby made a police district which shall be known as "The Gibson Police District": Beginning at the north corner of the oil mill lot and in the line of the incorporate limits of the town of Gibson, and runs in a northerly direction with a road, its various courses, to a pine on the lands of Millard Gibson, at an old shop; thence in a westerly direction along the center of a road in a direct line to the center of the Rockingham Railroad Company's roadbed; thence in a southern direction with the center of said roadbed to the incorporate limits of the said town of Gibson; thence in an eastern direction with said incorporate line to the beginning corner. Police district created.

SEC. 2. That all ordinances of the said town of Gibson which now are in effect, or which may hereinafter be enacted by the commissioners of said town, dealing with the subjects of disorderly conduct, riotous behavior, drunkenness, cursing, swearing, indecent exposure, and the like, be, and the same are hereby declared to be, Town ordinances effective in district.

just as effective, and to have the same force and effect in said police district as if the said district were in the incorporate limits of said town of Gibson.

Jurisdiction.

SEC. 3. That jurisdiction over any and all the above mentioned offenses is hereby vested in the mayor of the town of Gibson, who is hereby given full and ample authority to try and dispose of the same under the same laws and limitations as obtain in the said town of Gibson; all warrants, writs and processes issued by him shall run as if, and in the same manner as if, the said offense had been committed in the said town of Gibson. The policeman or constable of the town of Gibson is hereby given full and ample authority to make arrest, serve writs, warrants, and processes in said police district in such manner and under such circumstances as he is now authorized by law to perform like duties in the said town of Gibson; and he shall not be required to give any additional bond on account of the duties given him under this act. All fines and penalties collected shall be disposed of as are now provided by law in the town of Gibson.

Powers of police.

Fines and penalties.

SEC. 4. That any and all laws in conflict with this act are hereby repealed in so far as they so conflict.

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

Ratified this the 3d day of March, 1911.

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#### CHAPTER 574.

#### AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO ESTABLISH A CONVICT FORCE.

*The General Assembly of North Carolina do enact:*

Establishment of convict force.

SECTION 1. That the board of county commissioners of Brunswick County, in their discretion, are hereby authorized and empowered to establish a convict force for the purpose of working the public roads of said county, the county home farm, or any other public work for the benefit of the county, and to employ a suitable person as superintendent of convicts, who shall take custody and control of all convicts sentenced to work on the public roads or other public improvements provided for in this act, and such superintendent, and any guard, shall have all the powers of a sheriff in preventing the escape of such prisoners, as is conferred by law upon the sheriff of the county; and said commissioners shall have power to erect necessary stockades or places of enclosure wherein such convicts may be placed and kept during the terms of imprisonment, and while engaged in any of the work herein provided for.

Work.

Superintendent.

Powers in preventing escapes.

Stockades.

SEC. 2. That all justices of the peace, mayors of any incorporated towns in the county of Brunswick, before whom any person may be tried and convicted of any crime committed within said county, in cases and for offenses within the jurisdiction of said justices and mayors, when the judgment shall impose punishment by imprisonment on any such offender, may, and they are hereby empowered to sentence said convicted persons to work on the public roads in Brunswick County, or any other public work or improvement in which said county may be engaged, for such term of imprisonment as they may adjudge within their jurisdiction, and such convicted person shall work on said roads as herein provided for until he be discharged according to law.

Convicts sentenced to labor.

SEC. 3. Any judge of the superior court holding court in the said county of Brunswick may sentence all persons convicted of crime, or whose punishment is not by fine alone, for which said person may be sentenced to road work under the laws of the State, to work on the public roads, county home farm or other public work in said Brunswick County, and any judge of the superior court holding court in any other county, may sentence convicted persons, who may be subject thereto, to work on the public roads of Brunswick County: *Provided, however,* that the board of county commissioners of said county shall first make application to said courts and judges of said courts, to sentence such convicted persons to work on said roads or other public works.

Convicts from superior courts.

Convicts from other counties.

Proviso: application by county commissioners.

SEC. 4. Any person sentenced by a judge of the superior court in said county for a stated time with leave to the county commissioners to hire out, may be worked on the roads or other public works of said county under the provisions of this act. But such person shall not be placed under confinement when on such work, if a justified bond be given to the State, which may be accepted by the clerk of the superior court, conditioned upon the payment of one dollar per day for the full term of the sentence to the county of Brunswick in case the convicted person should escape from the control of the superintendent during such sentence.

Convicts subject to work.

Bond for work.

SEC. 5. That good behavior shall stand to the credit of any person worked under this act, and such person may be allowed not exceeding five days in thirty as a credit at the end of his term for good behavior, to be allowed in the discretion of the superintendent.

Allowance for good behavior.

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 this the 3d day of March, 1911.

## CHAPTER 575.

## AN ACT TO IMPROVE THE PUBLIC ROADS OF BUCKSHOAL TOWNSHIP, YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

Good roads  
commission.

Term of office.

Vacancies.

Election of  
successors.

Duty of  
commission.

Employment of  
superintendent and  
engineer.

Duty of  
superintendent.

Recommendation  
of overseers.

Entry on land  
for drains or  
ditches.

SECTION 1. That J. F. Nicks, J. M. Casey and H. A. Dobbins be and they are hereby created, declared and constituted a "Good Roads Commission" for Buckshoal Township, county of Yadkin. The term of office of the members of the said good roads commission shall be from the first day of April, one thousand nine hundred and eleven, until the next general election in November, one thousand nine hundred and twelve. All vacancies in said good roads commission caused by death, resignation or removal from the said township shall be filled by the remaining members of said good roads commission. That the said good roads commission shall be elected by the voters of Buckshoal Township at the next general election, as other township officers are elected, and the said good roads commission shall be elective every two years thereafter.

SEC. 2. That the said good roads commission shall have the power and it shall be their duty to establish, build and maintain such public roads in said township as shall be deemed necessary; to alter and change the location and grade of any road in said township; to grade, macadamize, improve with sand, clay, gravel, rock or in any other manner any and all roads or parts of roads in said township they may deem to the best interests of the citizens of said township; to employ at a reasonable compensation a superintendent for the public roads for said township, to employ a competent engineer to assist in the location or improvement of any road in said township; to do any and all things necessary to be done for the maintenance and betterment of the public roads in said township.

SEC. 3. That it shall be the duty of the superintendent, under the direction and control of the said good roads commission, to direct and superintend the working, grading, altering and repairing by the several overseers appointed by the justices of the peace for that purpose, to notify such overseers when to warn their hands to work on the roads, and to be present and direct the work to be done; to see that all persons liable to road duty in said township work the number of days required by law if it shall be deemed necessary for the maintenance of said roads; to recommend to the several justices of the peace in said township proper persons to be appointed overseers by them; to employ hands and teams, subject to the approval of the good roads commission; to enter upon any lands lying near to or adjoining any public road, in order to make drains or ditches through the same, as he may deem necessary for the betterment of said road, and the drain or ditches so made shall not be obstructed

by the owner of said land or any other person. Any person obstructing such drains or ditches, or who shall interfere in the construction and repairing of said roads shall be guilty of a misdemeanor and fined for each and every offense not exceeding fifty dollars or imprisoned not more than thirty days. Said superintendent shall submit to said good roads commission, as often as they may require, a report of contracts fulfilled by hands, teams furnished, of time such hands and teams were employed, prices paid or agreed, material procured otherwise than free, progress of work and such other information as may be required of him: *Provided, however,* that said superintendent may be discharged at any time for good and sufficient reason.

Obstructing drains or interfering with road work a misdemeanor.

Punishment.

Reports.

Proviso: power to discharge superintendent.

SEC. 4. That all overseers of the public roads in said township shall warn their hands and work such roads at such times only as the superintendent shall direct: *Provided,* that in case of storm or other unexpected cause whereby the roads may become impassable, it shall be the duty of the overseer to warn his hands and repair such roads without waiting for the order of the superintendent.

Overseers to warn hands and work roads.

Proviso: emergency work.

SEC. 5. That said superintendent is hereby authorized and empowered to enter into and upon any lands in said township for the purpose of laying out any new roads, widening and straightening old roads; or to enter upon any uncultivated lands for the purpose of procuring timber, rock, clay, sand or gravel, necessary to macadamize or improve said roads, and if any person over whose land any road may be constructed, altered or changed, or material procured.

Entry on land for construction.

shall claim damages therefor, such person shall, within thirty days after the completion of said road or removal of material, present his claim. It shall be the duty of the said good roads commission to pay a reasonable price for the same, and in case of any disagreement as to value, the said good roads commission shall, in not less than twenty nor more than sixty days after the complaint or disagreement, order a jury of three disinterested freeholders of said Buckshoal Township, to be selected and summoned by the sheriff of Yadkin County, as provided by law, and the jury so selected shall give three days notice to the landowner where and when the said jury shall meet to assess the damages, if any; and it shall be the duty of said jury, in considering said damages, to take into consideration any benefits to the owner of said land by said road; and if the benefits derived shall be considered equal to or greater than the damages sustained, the jury shall so declare, and it shall report its findings in writing to the said good roads commission for confirmation or revision: *Provided,* that the said claimant may appeal from the decision of said good roads commission to the superior court of Yadkin County.

Entry for material.

Claims for damages.

Payment of damages.

Assessment of damages.

SEC. 6. That said good roads commission shall, at its first meeting and annually thereafter, elect one of its members chairman, a secretary and a treasurer. The treasurer shall have charge of all

Proviso: right of appeal.

Organization.

- Bond of treasurer. the road funds for said township and shall be required to give bond in sufficient amount to cover the funds that may come into his hands. On filing proper bond, it shall be his duty to receive from the sheriff of Yadkin County all the special road taxes levied and collected by said sheriff by virtue of a special road tax in Buckshoal Township, Yadkin County. He shall disburse said funds only upon the order of the good roads commission of Buckshoal Township, and shall keep a record of receipts and disbursements of said funds, specifically setting forth every item in detail as paid out, to whom and for what purpose, and he shall present his book for the inspection of the other members of the good roads commission as often as they may require, and receive such commission in addition to his per diem as the said good roads commission may deem just, not to exceed five per centum.
- Receipt of funds.
- Disbursement of funds.
- Record of receipts and disbursements.
- Inspection of books.
- Commissions.
- Meetings of commission.
- Vouchers.
- Pay of commissioners.
- Special road tax.
- Rate.
- Collection and settlement of tax.
- Request for election.
- SEC. 7. That said good roads commission shall meet at stated intervals as may be agreed upon by them and shall order and issue vouchers for payment of necessary expenses connected with the repairing and construction of roads and for the purchase of implements and machinery, which said vouchers shall be signed by the chairman and secretary of said good roads commission, and a careful record thereof be kept by the said secretary. The meeting of the said good roads commission shall not be oftener than are actually necessary for the interest and progress of said road improvement, and they shall receive the sum of one dollar and fifty cents per diem for the time actually engaged in the performance of their duty.
- SEC. 8. That for the purpose of raising funds to carry the provisions of this act into effect, in case such special tax is voted, the board of commissioners of Yadkin County shall at its meeting in June, one thousand nine hundred and eleven, levy a special road tax of not less than twenty nor more than thirty cents on each hundred dollars worth of property in said township; and it shall be the duty of said board of commissioners to levy a special tax annually thereafter of not less than twenty nor more than thirty cents on each hundred dollars worth of property in said township. The tax so levied shall be collected by the sheriff of Yadkin County, and the sheriff of Yadkin County is hereby directed to turn over the taxes so collected to the treasurer of the good roads commission of Buckshoal Township on or before the first day of March, one thousand nine hundred and twelve, and on or before the same date of each succeeding year.
- SEC. 9. That upon the written request of said good roads commission and a majority of the township supervisors of Buckshoal Township, together with fifty other freeholders of said township, the provisions of all the preceding sections of this act shall be submitted to the vote of all the qualified voters of Buckshoal Township at an election to be held on a day designated by the board of commissioners of Yadkin County. For the holding of such election said com-

missioners of Yadkin County shall order a new registration of the voters of said township and shall appoint registrars and pollholders and any other officers necessary for such election. At the close of said election said registrar and pollholders shall count and canvass the votes cast and declare the result thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said county commissioners, and no other canvass, report or recording shall be necessary.

New registration.

Count of vote and declaration of result.

Report and record.

SEC. 10. That at said election all the qualified voters who shall favor the levy of the special tax and the other provisions of this act, shall cast ballots on which shall be written or printed "For Good Roads," those opposed to the provisions of this act shall cast ballots on which shall be written or printed "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of the members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads," then said special tax shall be levied and the other duties and powers exercised as provided for in this act.

Ballots.

Law governing election.

Effect of election..

SEC. 11. That the township board of public road supervisors of any township in Yadkin County at any regular or call meeting, a majority being present, may elect a good roads commission, consisting of three resident, substantial freeholders of said township, and report their action in writing to the commissioners of Yadkin County. Said good roads commission, so elected, are hereby created, declared and constituted a good roads commission for the township in which such action is taken, and shall meet and organize as provided in section six of this act. On petition as herein provided, said county commissioners shall order an election on the levy of a special road tax in said township, and in case said tax is voted, the levy shall be made and the taxes collected by the sheriff of Yadkin County, and turned over to the treasurer for the use of the township voting said special road tax for the purpose of improving its roads. Said good roads commission is hereby clothed with all the power conferred in the preceding sections of this act.

Law extended to other townships.

Election of commission.

SEC. 12. That this act is supplementary to the general road law of North Carolina.

Act supplementary.

SEC. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, 1911.

## CHAPTER 576.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND REPAIR OF THE PUBLIC ROADS AND BRIDGES OF ROBESON COUNTY, AND TO LEVY A SPECIAL TAX THEREFOR.

*The General Assembly of North Carolina do enact:*

Road districts.

SECTION 1. That for the purpose of the construction and repair of the public roads and bridges of the county of Robeson, under the provisions of this act, the county of Robeson shall be, and is hereby, divided into six road districts, to contain the territory and to be known and designated as follows:

No. 1.

District No. 1 shall be composed of Lumberton, Back Swamp, Raft Swamp, Wishart's, Britt's, Howellsville and Saddle Tree townships.

No. 2.

District No. 2 shall be composed of Whitehouse, Sterling's and Orrum townships.

No. 3.

District No. 3 shall be composed of Thompson's and Alfordville townships.

No. 4.

District No. 4 shall be composed of Maxton, Smith's and Pembroke townships.

No. 5.

District No. 5 shall be composed of Red Springs and Burnt Swamp townships.

No. 6.

District No. 6 shall be composed of Parkton, Lumber Bridge and Saint Paul's townships.

Road commission established.

SEC. 2. That in order to perform all the duties heretofore performed and to exercise all the powers heretofore exercised by the board of road trustees of the various townships and by the board of commissioners of Robeson County, in relation to the public roads and bridges of said county, and certain other duties as provided in this act, there shall be and there is hereby created a body to be known and designated as the "Road Commission of Robeson County," hereinafter called the "road commission." Said road commission shall be a body politic and corporate, may sue and be sued, plead and be impleaded, adopt a common seal and do any and all things which may be necessary for the accomplishment of the purposes specified in this act, and it may purchase and hold all property which may be necessary for the exercise of the powers herein conferred upon it.

Incorporation.

Corporate powers.

Members of commission.

SEC. 3. The said road commission shall be composed of six (6) members, one to be selected from each of the said six road districts of said county as herein provided, and the members of the said road commission shall hold their office for a term of two years and until their successors are elected and qualified. And until the general election to be held in the year 1912, and until their successors are elected and qualified, the following persons shall compose the said road commission, to wit:

Term of office.

Members named.

The member of said commission from District No. 1 shall be W. P. For No. 1. **McAllister.**

The member of said commission from District No. 2 shall be For No. 2. **J. P. Brown.**

The member of said commission from District No. 3 shall be For No. 3. **A. L. Bullock.**

The member of said commission from District No. 4 shall be For No. 4. **H. C. McNair.**

The member of said commission from District No. 5 shall be N. B. For No. 5. **McArthur.**

The member of said commission from District No. 6 shall be Jas. For No. 6. **A. Johnson.**

SEC. 4. At the general election to be held in the year one thousand nine hundred and twelve, and at each general election to be held thereafter for the election of county officers, there shall be elected by the qualified voters of each of the six road districts of Robeson County, one member of the said road commission, and said election shall be held under the same rules and regulations and at the time now provided or hereafter to be provided by law for the election of other county officers. At all general elections a separate ballot box shall be provided which shall be plainly labeled "For member of the road commission of Robeson County," and the result of such election shall be ascertained and declared in the same manner as may be provided by law for other county officers. Each of said commissioners shall be elected by majority vote of the qualified voters of their respective road districts, and no person shall be eligible to election as member of said road commission unless he shall have resided in the district from which he is to be elected for at least twelve months next preceding the election.

Election of successors.

Ballot box.

Majority of qualified voters.

Residence.

SEC. 5. If for any cause, there should be a vacancy in said road commission, the remaining members thereof shall appoint some suitable and competent resident of the district in which the vacancy exists, to fill such vacancy, and the person so chosen shall serve the unexpired term and until his successor shall be elected and qualified as provided by law.

Vacancies.

SEC. 6. The members of said road commission, before entering upon the discharge of their duties, in addition to the oath to support the constitution and laws of the United States and of the State of North Carolina, as are now required to be taken by public officers, shall take before the clerk of the superior court of Robeson County the following oath of office, which said oath shall be signed by such members and attested by said clerk and recorded in the book of official oaths, viz: "I, . . . . ., do solemnly swear (or affirm) that I will honestly, diligently and faithfully perform the duties of the office of member of the road commission of Robeson County to the best of my knowledge, skill and ability, so help me God."

Members to take oath.

Form of oath.

Meeting for organization.

Organization.

Regular meetings.

Special meetings.

Compensation of members.

Salary of secretary.

Record of proceedings.

Records open for inspection.

Election of superintendent of roads.

County engineer.

Pay of superintendent and engineer.

Nomination and recommendation for superintendent.

SEC. 7. The said road commission shall meet at the court-house in Lumberton within twenty days after the ratification of this act and shall proceed to organize by the election of one of the members thereof as chairman, and some suitable citizen of Robeson County as secretary. The said road commission shall hold a regular meeting at the court-house in Lumberton, or at such other place as said commission may determine, on the first Monday in each and every month, and special meetings may be held at any time upon the call of the chairman or any two members of said road commission, but in the event of special meetings, actual notice must be given to the members of said road commission who do not join in the call for such meeting. The members of said commission shall receive as compensation while actually engaged in the performance of their duties the sum of three dollars per day and their actual expenses; but no per diem shall be paid for more than one day in any one month. The secretary of said road commission shall receive such compensation as the road commission may determine and the salary so paid shall be pro rated among the several road districts in accordance with the provisions of this act.

SEC. 8. The said road commission shall keep a record and minutes of all its proceedings in a book to be provided for that purpose, to be known as the "Minutes of the Road Commission of Robeson County," and the same shall be properly kept and shall be at all times open to the inspection of any taxpayer of the county of Robeson.

SEC. 9. There shall be elected by said road commission at its meeting in April, one thousand nine hundred and eleven, or so soon thereafter as practicable, and annually thereafter, a competent person skilled in the modern methods of road building, who shall be known and designated as the "superintendent of roads"; and there shall also be elected (if the road commission deem necessary) a skilled civil engineer who shall be known as "county engineer" and who shall assist the superintendent of roads in the discharge of his duties as fixed by this act. The said superintendent of roads and county engineer (if one be elected) shall be paid a just and reasonable compensation to be fixed and determined by the said road commission, and the salaries of said superintendent of roads and county engineer shall be paid out of the taxes to be levied and collected under the provisions of this act, and the amount thereof shall be pro rated among the several road districts as is herein provided. The said superintendent of roads shall be elected by said road commission upon the nomination and recommendation of Dr. Joseph Hyde Pratt, State Geologist, or his successor in office. If the person so recommended and nominated be not satisfactory, then the road commission shall have power to reject the nominee and in such event the said State Geologist shall nominate some other competent and suitable person and this method shall be pursued

until a suitable, competent and efficient person be elected as superintendent of roads of said county.

SEC. 10. Before entering upon the discharge of their duties, the said superintendent of roads and county engineer (if one be elected) shall give bond in the penal sum of five thousand dollars with surety to be approved by said road commission, conditioned upon the faithful discharge of their duties under this act, which said bond shall be endorsed with the approval of the several members of said road commission, and filed with the secretary thereof and by him spread upon the minutes of said road commission.

Bond of superintendent and of engineer.

SEC. 11. The said road commission, or the superintendent of roads under its direction and as its agent, shall have power and authority to employ and fix the rate of compensation of such overseers, foremen, or other employees, as may be necessary to be employed to carry out the provisions of this act and the persons so employed shall be at all times under the supervision and subject to the full and complete authority of said road commission and of the superintendent of roads acting as the agent and under the authority thereof. The said road commission shall at all times have full authority to suspend, remove or discharge the said superintendent of roads, engineer, overseers, foremen, or any other employee of the said road commission; and upon such suspension, removal or discharge the said road commission shall proceed to elect the successor of the person or persons so suspended, removed or discharged.

Compensation of overseers, foremen and other employees.

Power of suspension or removal.

SEC. 12. The said road commission shall perform all the duties heretofore performed and exercise all the powers heretofore exercised by the board of road trustees of the several townships in the county of Robeson, or by the board of commissioners of said county, or by any other person now acting under authority of existing law in relation to the public roads and bridges of said county, whether under the general law or by special statute; and the management and control of the public roads and bridges within the said county shall be vested absolutely and entirely in the said road commission. The said road commission and the superintendent of roads under its discretion, shall have power and authority to supervise, direct and have full charge and control of the building, maintenance and repair of all public roads and bridges in said county, including the supervision and control of the county convict force; it shall have full and complete authority to determine what roads or parts of roads shall be worked and improved and how and when the same shall be worked and improved; it shall have full charge and control of the laying out of new roads, the widening or relocating of any public road now in use and the discontinuing of old roads; it shall have full charge and control of all public bridges, with all and complete power and authority to do any and all things necessary to be done in the furtherance and for the prompt discharge of said

Duties devolved on road commission.

Powers and authority of road commission and superintendent.

Selection of roads and work.

Location, change or discontinuance of road.

Bridges.

duties and of all other duties imposed upon said commission by this act.

Road district  
unit for work and  
expenditures.

SEC. 13. The system of working the public roads of said county by townships, expending within each township the road taxes levied and collected within that township, is hereby abolished, and hereafter all public roads of Robeson County shall be worked, improved and maintained, and all public bridges built, cared for and repaired, with the road districts as provided in this act as the unit, and all road taxes levied and collected within each of the six road districts herein provided for shall be expended upon the public roads and bridges within the district from which the tax money was levied and collected: *Provided, however,* that the salary and per diem of the road commission, its secretary, the superintendent of roads, county engineer, county convict force and all other expenses incurred for the benefit of all the districts together, shall be pro-rated among the several road districts as provided in this act.

Proviso: expenses  
pro-rated.

Convicts to be  
worked on roads.

SEC. 14. All persons confined in the county jail of Robeson County under a final sentence of the court for crime, or imprisoned for the non-payment of costs or fines, or under final judgment in cases of bastardy, or under the act providing for the punishment of vagrants, and all insolvents who shall be imprisoned for non-payment of costs, and all persons who would otherwise be sent to the State prison for a term of not more than ten years, shall be worked upon the public roads of said county under the direction and control of the said road commission; and all such convicts shall be guarded, fed, clothed and otherwise cared for out of the road taxes collected under the provisions of this act and the said expenses shall be pro-rated among the several road districts as herein provided: *Provided, however,* that in any case where any person shall be convicted of a crime for which he might be sentenced to the State prison, the presiding judge may, notwithstanding the provisions of this section, sentence such person to serve his term in the State prison if such judge be satisfied that the best interests of the public require that such person be confined in the State prison instead of being worked upon the public roads as herein provided.

Care and main-  
tenance of convicts.

Proviso:  
discretion of judge.

Insolvent costs.

SEC. 15. The said road commission shall not be required to pay to the county of Robeson any amount for insolvent costs which may be due in cases in which the prisoners are sentenced to be worked upon the public roads of said county, but said costs shall be paid by the county of Robeson as now provided by law.

Safe keeping.

SEC. 16. The said road commission is hereby authorized and empowered to use the common jail of said county for the safe keeping of said convicts, or to build and keep a convict camp or camps for said purpose. In the event of serious physical disability, certified by the county or other reputable physician, persons convicted in any court and sentenced to the chain gang to be worked upon the

Convicts under  
physical  
disability.

roads may be sent to the State prison or to the county jail whenever they can not be kept at work upon the public roads without danger to their health or lives.

SEC. 17. The said road commission is hereby authorized to accept convicts from other counties of the State, sentenced by the superior court or by a recorder's court, whenever in its judgment it is deemed advisable to do so, and the expense of transporting and maintaining said convicts shall be paid out of the funds of the district within which such convicts are worked.

Convicts from other counties.

Transportation and maintenance.

SEC. 18. The said road commission shall have power to employ all guards, attendants, cooks and other persons as may be necessary to properly guard and care for such convicts and the said road commission shall fix the rate and amount of compensation to be paid.

Guards, attendants and cooks.

SEC. 19. The convicts sentenced to work upon the public roads of said county prior to the passage of this act, shall, from the time of the organization of said road commission, be under the control and direction of the said road commission; and all persons who may have charge or control of said convicts shall, upon demand of the chairman of said road commission, deliver said convicts to said commission, and any contract hereafter made by any persons with reference to said convicts shall be void and of no effect unless the same is approved and ratified by the said road commission.

Convicts to be delivered to road commission.

Contracts voidable.

SEC. 20. The said chain gang or convict force shall be entirely under the direction and control of the said road commission and said commission shall determine where said convict force shall be worked and shall move said convicts from one district to another as they in their discretion may determine, giving to each district, so far as practicable, its proportionate part of the time and services of said convict force. All expenses incurred in connection with said chain gang, whether for guards, attendants, food, clothing, camps, tools, equipment or otherwise shall be pro-rated among the several road districts within said county in accordance with the time spent and work done by said convict force in the respective districts, and the apportionment so made by said road commission shall be final and binding and the treasurer of said county shall charge the road fund of each road district with the amount as fixed by the said road commission.

Direction and control of convict work.

Apportionment of expense.

SEC. 21. That in addition to the convict force which shall be worked upon the public roads of said county, the said road commission shall have power and authority to employ such free labor as may be necessary for the proper construction, maintenance and repair of the public roads and bridges of the said county, and to determine what number of persons and what persons shall be employed and the amount and rate of compensation to be paid to such persons for their services; and shall also have power to determine how many hours shall constitute a day's work; and said road commission shall also have power to engage, purchase or hire such

Employment of free labor.

Teams, tools and machinery.

Payments.	teams, tools, machinery and equipment as may be necessary for use upon the public roads and bridges and to pay the owners thereof such reasonable compensation therefor as said commission shall determine; and all such compensation, whether for labor or equipment or materials shall be paid for out of the road taxes collected under the provisions of this act and the amount thereof shall be charged against the road district for the use and benefit whereof such expense was incurred.
Power to borrow money.	SEC. 22. The said road commission shall also have power, whenever in its discretion it may deem necessary or advisable for the public interest, to borrow money to be used in the construction, maintenance or repair of the public roads or bridges of any road district of said county, to an amount not to exceed five thousand dollars for any one road district in any one year, and to execute the negotiable note or notes of said road commission for the amount so borrowed, and such note or notes shall be signed in the name of said road commission by the chairman thereof, and attested by the secretary and the corporate seal of said road commission shall be thereunto affixed, and the said note or notes shall show upon the face thereof the district for the benefit whereof such money was borrowed, and said road commission shall have power to pledge any road taxes to be collected in such district under the provisions of this act, as security for the repayment of the money so borrowed; and the money so borrowed shall be repaid out of the road taxes collected in such district and the amount of such note or notes shall be a lien and charge upon all road taxes collected under the provisions of this act in the district for the benefit whereof the loan was incurred for the year next succeeding that in which such debt was contracted and not given.
Limit of amount.	
Notes.	
Pledge of road taxes for security.	
Lien on road taxes.	
Width of roads.	SEC. 23. All public roads within the county of Robeson shall be thirty feet wide unless the road commission shall, by resolution, duly recorded upon its minutes, prescribe a different width; but in case said road commission shall prescribe a different width than the width adopted by the road commission shall be the legal width of the road to which the resolution adopted by said road commission shall apply.
Notice to landowner on location or change of road.	SEC. 24. In relocating or widening any road now in use, or in opening new roads, the road commission shall cause a survey of the proposed change of an old road, or the route of the new road to be made, and shall give notice to the landowner that said land is condemned and needed for the use of the public for a road. It shall thereupon be the duty of the said road commission, or the superintendent of roads acting under its authority, to ascertain the damage done to the land thus taken and appropriated for the use of the road, and to agree upon and to pay the owner a reasonable compensation therefor; and if said amount so agreed upon is approved by said road commission, an order shall be drawn
Payment of damages by agreement.	

therefor and the amount shall be paid by the county treasurer out of the road fund as herein provided. In case the road commission or superintendent of roads can not agree with the owner of the land as to the damages, then it shall be the duty of the road commission or the superintendent of roads, to apply to the clerk of the superior court of Robeson County, whose duty it shall be, upon such application made, to at once appoint three disinterested freeholders of the district in which the land lies, as commissioners to assess the damages. The clerk shall issue an order to the commissioners to meet upon the premises at the time designated by him, which time shall not be less than three days nor more than ten days after the service of notice upon the commissioners by the sheriff or other lawful officer; and the clerk shall likewise cause notice to be given by the sheriff or other lawful officer to the landowner and to the superintendent of roads. Upon the day specified in the order of the appointment, the commissioners shall meet upon the premises, and after being sworn by some person authorized to administer oaths to act fairly and impartially, shall proceed to ascertain the damages; and said commissioners shall take into consideration the benefits which will accrue to the remainder of the property of the owner by the building or widening of the road, whether such benefits be common to all persons through whose land said road shall run or be confined to the particular landowner, and also any damages which the landowner may sustain by the construction or widening of said road, subtract one from the other and report the difference as the result of their verdict. The landowner and the road commission shall have the right to appear before the commissioners either in person or by attorney and argue the matter, if they deem best. Said commissioners shall make their report in writing, and the same shall be filed with the clerk of the superior court and shall be recorded upon the judgment docket of said court. That except as herein otherwise provided, the rules of procedure governing other special proceedings shall apply to the proceedings for the condemnation of lands as provided in this act. If either the landowner or the road commission shall feel aggrieved by the action of the commissioners, they shall have the right to appeal to the superior court in term time as in cases of special proceedings: *Provided*, that the party appealing shall, within ten days after the report of said commissioners shall be filed in the office of the clerk, serve notice upon the adverse party stating the grounds of such appeal and thereupon the clerk shall transfer the cause and all papers connected therewith to the civil issue docket of the superior court of Robeson County for trial in accordance with law. The taking of an appeal by either party shall not have the effect of vacating or suspending the verdict or report of the commissioners, but notwithstanding such appeal the road commission, upon the payment or tender to the landowner of the amount fixed by the commissioners, shall have the right to enter upon said land at once and cause the

Assessment of  
damages on  
disagreement.

Appearance before  
commissioners.

Right of appeal.

Provide: notice on  
appeal.

Appeal not to  
delay work.

Payment of damages.

same to be taken and used for a public road and any and all damages which may be assessed shall be paid out of the road fund of the district within which the road shall lie.

Entry on land for material.

SEC. 25. That for the purpose of carrying out the provisions of this act the road commission or the superintendent of roads, or any other person acting under authority of the road commission, after first consulting the owner or agent of the land from which material for repairing any road is needed, are hereby authorized to enter upon any lands near to or adjacent any public road and to cut and carry away any timber, except trees or groves on improved land planted 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 any road and to enter upon any land adjoining or lying near the road in order to make such changes as may be necessary; and any person who shall interfere with the superintendent of roads, or any person acting under his authority, in the discharge of their duties hereunder, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court. The owner or agent of the owner of any lands from which any material shall be taken as aforesaid, shall present an itemized account of the same to the road commission and it shall be the duty of said road commission to pay a just and reasonable compensation therefor: *Provided*, that if said owner shall be dissatisfied with the amount offered him, he may bring his action in any court of competent jurisdiction to recover the damages and the amount recovered in such action shall be paid by the said road commission when judgment is rendered against it and the amount charged against the road district within which the material was taken.

Interference with work a misdemeanor.

Punishment.

Accounts and payment for material.

Proviso: action for damages.

Roads, ditches and drains.

SEC. 26. It shall be the duty of the road commission or the superintendent of roads, to cause all public roads within the county to be thoroughly ditched and drained, and to this end they are authorized and empowered to enter upon the lands of any person or persons and to cut such ditch or ditches, drain or drains through said lands as may be necessary to drain said road, doing as little damage to the improved or cultivated land as possible. The owner or agent of the owner of such land shall be paid a fair and reasonable compensation for any damage done after the amount is fixed and approved by the road commission: *Provided*, that if the landowner is dissatisfied with the amount, the road commission offers to pay, then he may bring an action in any court of competent jurisdiction to recover the damages and any amount recovered in said action shall be paid by the road commission upon final judgment rendered, and the amount thereof charged to the road fund of the district within which the road was drained or ditched.

Entry on land.

Payment of damages.

Proviso: action for damages.

Drains across roads.

SEC. 27. It shall be the duty of every person who, for the purpose of draining land, or for any other purpose, shall desire to

construct any ditch, drain or canal across any public road in the county of Robeson, to give written notice of his desire to the superintendent of roads or to the road commission. It shall be the duty of the superintendent of roads within two days after the receipt of such notice to inspect the premises and to prescribe the material which shall be used in the construction of the bridge or culvert to be placed over or under said road, and shall likewise prescribe the dimensions of any drain and shall specify how the same shall be constructed and of what material, and shall put such specification into writing if requested so to do by the landowner. It shall be the duty of the landowner to cause such bridge or culvert to be constructed in the manner and after the method prescribed by the superintendent of roads, and after the same is constructed, it shall be the duty of the landowner to notify the superintendent of roads who shall proceed to inspect the same and if the same is properly constructed, the said superintendent of roads shall accept the same and if not properly constructed, it shall be his duty to make the landowner make such changes in its construction as shall be required by said superintendent; and upon the acceptance of such bridge or culvert the same shall become, be and remain a public charge and shall thereafter be kept up and maintained at the expense of the road fund of the road district within which it is located, but the original cost of constructing such bridge or culvert shall be borne by the landowner or person desiring the construction thereof. If any person shall cause any ditch, drain or canal to be dug across any public road of said county without complying with the provisions of this section, and without paying for the cost of the construction thereof, or without the approval of the superintendent of roads, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Notice.

Inspection and specifications.

Construction of bridge or culvert.

Inspection and acceptance of work.

Maintenance.

Illegal construction a misdemeanor.

Punishment.

SEC. 28. It shall be the duty of the said road commission or the superintendent of roads, to provide suitable watering places for animals upon the public roads by the side thereof, whenever in their judgment it can be done at moderate cost and will prove a benefit to the public.

Watering places.

SEC. 29. It shall be the duty of the said road commission, or the superintendent of roads, to cause to be prepared and erected neat and substantial sign posts at the intersection of all public roads, giving the name of the most important points to which such road leads in each direction, with the distance therefrom to such points; and it shall likewise be their duty to cause mile posts placed on all public roads giving the distance to the most important point to which said road leads. Any person destroying, damaging or defacing any sign post or mile post erected under the authority of law, shall be guilty of a misdemeanor, and fined or imprisoned, upon conviction, in the discretion of the court. If said road com-

Sign posts.

Mile posts.

Injury to posts a misdemeanor.

Punishment.

Failure to erect sign posts a misdemeanor.

mission shall fail and neglect to cause to be prepared and erected the sign posts or mile posts, provided for in this section, and such default continue for sixty days after personal notice by any citizen of the county interested therein and who will bring the matter to the attention of said road commission, then the members of said road commission so offending, shall be guilty of a misdemeanor, and fined not more than twenty dollars, and shall also forfeit and pay the sum of twenty-five dollars to any person suing for the same in any court of competent jurisdiction.

Punishment.  
Forfeit.

Foot logs.

SEC. 30. It shall be the duty of said road commission to provide suitable foot logs across all swamps and streams not bridged, and such foot logs shall exist across the entire width of such swamp or stream to high mark on each side, and the cost of the same shall be paid for out of the road funds of the district within which the same is located.

Railroad crossings and approaches.

SEC. 31. It shall be the duty of the said road commission, or the superintendent of roads, to cause all railroad companies operating within the county to construct and keep in good order and repair the road bed of all public roads across the said railroad and cause proper approaches to be built thereto; and if any railroad company being duly warned by the said road commission, or by the superintendent of roads, by leaving a written notice with any station agent or by informing any station agent of any railroad company personally, shall neglect or refuse to construct or repair said road bed or approaches or to cause suitable approaches to be built thereto, within ten days after the receipt of such notice, then said railroad company shall forfeit and pay the sum of twenty-five dollars to be recovered in an action instituted by said road commission before a justice of the peace.

Forfeit for failure.

Action for forfeit.

Railroad companies not to obstruct drainage or empty water on roads.

SEC. 32. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road bed or otherwise, or empty water from its ditches into any public road or highway, and if any railroad company being warned by the superintendent of roads or a member of the road commission by leaving a written notice with any station agent or by informing any such agent personally, shall refuse or neglect to remedy the same within ten days after the receipt of such notice, the said railroad company so offending shall forfeit and pay the sum of twenty-five dollars for each offense, to be recovered in an action brought by the said road commission before any justice of the peace of Robeson County.

Forfeit.

Action for forfeit.

Obstruction of roads forbidden.

SEC. 33. If any person or persons or any railroad company or other corporation or any servant or employee of any person or corporation, shall cause any public road within the county of Robeson to be obstructed for more than ten consecutive minutes by permitting any locomotive or cars to remain upon or across any public road, or shall permit any timber, wood or other obstruction

to remain upon or across any such road or highway to the hindrance or inconvenience of travelers, then any person or corporation so offending shall forfeit and pay the sum of twenty-five dollars for each offense, to be recovered in an action brought by the road commission before any justice of the peace of Robeson County, and shall also be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars or imprisoned not more than five days, or both.

SEC. 34. If any person shall meet any other person on any public bridge, road or highway, traveling with carriage, wagon or other vehicles, each person shall reasonably drive his vehicle to the right of the middle of the traveled part of such bridge, road or highway, so that the respective vehicles may pass each other without interference. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars, or imprisoned not more than five days, or both.

SEC. 35. Any person who shall obstruct, disfigure, or render unfit for travel any public road, or who shall cut up the same or make deep ruts or holes therein by means of logs carts, plows or by the process known as "snaking logs," shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court. And it shall be unlawful for any person, firm or corporation to use the public roads of Robeson County for the purpose of transporting logs by the method known as "snaking logs," or by causing one end of such log to rest upon the ground and to be dragged along the public road, and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court. It shall be the duty of the superintendent of roads to prosecute all violations of this section and if he fail to do so, then he shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

SEC. 36. Any person who shall obstruct, disfigure or render unfit for public travel any public road by plowing up such road or any part thereof, or by plowing within the limits of such road as fixed and determined by law and the said road commission, or who shall plow within a distance of fifteen feet on either side of the center of the traveled part of any public road within said county, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be the duty of the superintendent of roads to prosecute all violations of this section and if he fail to do so, then he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 37. Any person who shall obstruct the superintendent of roads, or the county engineer, or any surveyor under the employ or authority of the road commission, or any other person employed by

**Punishment.** said road commission, or any member of the road commission in the discharge of their duties under this act, or who shall obstruct the persons engaged in making any survey under 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. And any person who shall in any way obstruct or interfere with the superintendent of roads, county engineer, surveyor or other employee of the road commission in opening any new road, or relocating or widening any old road, or closing up a discontinued road, or in any other manner, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

**Interference with work on drains or with drains a misdemeanor.** SEC. 38. If any person shall interfere with the superintendent of roads, county engineer, surveyor or other employee of the road commission in the discharge of their duties in opening any ditch or drain, or if any person shall obstruct any ditch, drain or canal which may be cut or opened under the authority of the road commission, then the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

**Punishment.**

**Petition for construction, change or discontinuance.** SEC. 39. All petitions for the establishment of new roads, or for a change of location or widening, or the discontinuance of any existing public road, shall be addressed to the road commission and shall be filed with the secretary thereof. At the next meeting of the road commission after the filing of such petition, it shall be the duty of the road commission or its secretary to publicly post a notice at the court-house door, setting forth in a brief way the contents of the said petition and notifying all persons interested that the same will be taken up and passed upon by the commission at their next meeting held thereafter, which said notice shall be posted for at least fifteen days, and it shall also be the duty of the secretary of said commission to post a copy of the said petition in some public place in the locality or community to be affected by the said petition and also to furnish a copy of the said petition to the superintendent of roads. Upon receipt of said copy it shall be the duty of the superintendent of roads to inspect the locality and the proposed road, or change of existing road, and he shall make and submit to the road commission a report with his recommendations in the premises. At the next meeting of the road commission held after the publication of the notice aforesaid, all persons in interest shall be heard and thereupon the commission shall make such order in the premises as shall be just and for the public good: and in case any new road be laid out, or existing road shall be changed or discontinued, such laying out, change or discontinuance shall be executed and done in the manner provided in this act and a record thereof shall be made giving the termini of said road and all other necessary information in regard thereto, and it shall also be recorded in the minute book of said road commission.

**Notice.**

**Inspection and report.**

**Hearing and order.**

**Execution of order.**

**Bridges.** SEC. 40. All public bridges within the county of Robeson shall be

under the direction, control and authority of the road commission of said county, and it shall have power and authority to repair, maintain and keep in good order and condition all public bridges and to construct new bridges whenever the public interests may require. The expense of maintaining and repairing all public bridges and of the construction of any new bridges, shall be borne and paid out of the road fund of the road district within which the bridge is located or to be located, except as provided in the next succeeding section of this act.

SEC. 41. Within thirty days after the ratification of this act, and annually thereafter on the first Monday in January in each and every year hereafter, it shall be the duty of the board of commissioners of Robeson County to appropriate and pay out of the general county fund of said county the sum of one thousand two hundred and fifty dollars, which said money shall be paid over to the treasurer of said county, and by him credited to an account to be opened and kept by him and called the "bridge account," and the said money, or so much thereof as may be necessary, shall be used by the road commission for the repair and maintenance of the public bridges over Lumber River, Big Swamp, Raft Swamp, Ashpole Swamp and Shoe Heel Swamp, and for the construction of any new bridges which may be necessary for the public convenience over the said streams. If the amount so paid from the general fund of said county shall be more than sufficient to provide for the bridges over said streams, then the road commission shall have authority to use the surplus in repairing and maintaining any other bridges in said county which it may designate. If the amount so paid from the general county fund shall be insufficient to provide for the keeping up and repair of the said bridges, then the deficiency shall be paid out of the road fund of the districts within which such bridges shall lie, pro rata, as determined and fixed by the said road commission. All other public bridges within said county, except such as are specifically designated and named in this section, shall be kept up, repaired and maintained at the expense of the road fund of the road district within which such bridges are located.

SEC. 42. That in order to carry into effect the provisions of this act, the said road commission shall, on or before the first day of June, one thousand nine hundred and eleven, and annually thereafter, determine what amount of taxes are necessary to be levied for the purpose of providing funds for working the public roads and performing the duties required by this act, and shall, at said times, make a written report of the same to the board of commissioners of Robeson County, and shall in said report request the said board of commissioners to levy the tax therein specified for road purposes, which said report shall be filed with the said board of commissioners at their first meeting in the month of June, one thousand nine hundred and eleven, and annually thereafter by the chairman of the said road commission, and a copy thereof shall be retained by the

Apportionment of expense.

Bridge account.

Appropriation from county fund.

Use of appropriation.

Use of surplus.

Deficiency.

Other bridges.

Estimates for road fund.

Report of estimates.

Levy and collection of tax.	said road commission and recorded in its minute book. That upon the filing of said written report and request with the board of commissioners of said county, the said board of commissioners shall, on or before the first Monday in June, one thousand nine hundred and eleven, and annually thereafter, levy the special tax requested by the said road commission, upon all property in said county subject to
Taxes kept separate.	taxation, and upon all taxable polls in said county, which taxes shall be collected in the same manner as other taxes are collected for State and county purposes, and shall be kept separate and apart on the tax books of said county and shall be known and designated as the "Road Fund of District No. . . .," and shall be used only
Specific appropriation.	for the construction, improvement, maintenance and repair of the public roads and bridges of the district within which the said taxes were collected under the provisions of this act, and in the payment of the general expenses herein provided for, and the treasurer and sheriff of said county shall keep a separate account of the road taxes collected in each of the six road districts of said county: <i>Provided,</i>
Separate accounts. Proviso: limit of tax rate.	that the taxes levied and to be levied under the provisions of this act shall not exceed the sum of twenty-five cents on the one hundred dollars valuation of property in said county subject to taxation, and not exceeding seventy-five cents on each taxable poll: <i>Provided,</i>
Proviso: rate if estimate not filed.	<i>further,</i> that in the event said road commission shall fail or neglect to file the report and request hereinbefore specified with the board of commissioners, then the said board of commissioners of Robeson County shall levy the sum of twenty-five cents upon the one hundred dollars valuation of property and seventy-five cents on each
Law mandatory.	taxable poll for road purposes, and the provisions of this section are hereby declared to be mandatory on the board of commissioners of Robeson County and not directory; and if the said board of commissioners shall fail or neglect to perform the duties required of them by this act, or to levy the road taxes as herein provided, annually, they shall each forfeit and pay the sum of five hundred dol-
Forfeit for failure or neglect.	lars to be recovered by action brought in the name of the road commission in the superior court of Robeson County, and shall also be guilty of a misdemeanor and upon conviction fined or imprisoned, in the discretion of the court.
Action for forfeit.	SEC. 43. That for the purpose of taxation for road purposes, as provided in this act, the property of railroads, telegraph, telephone and express companies, and all other corporations, shall be valued and assessed as is now or may hereafter be provided by law for the assessment of such property for general county purposes.
Misdemeanor. Punishment.	SEC. 44. Taxes levied for road purposes under the provisions of this act shall be collected by the sheriff in the same manner as is now or may hereafter be provided by law for the collection of other county taxes, and it shall be the duty of the sheriff to turn over all moneys collected by him on account of road taxes to the county treasurer, furnishing him with the number of the district from
Assessment of property of corporations.	
Collection of road tax.	
Settlement with treasurer.	

which all such taxes are collected, and the amount collected from each district, and it shall be the duty of the county treasurer to open a road fund account with each of the six road districts of said county and to credit each road district with all moneys received by him from road taxes collected from said road district and with all moneys which may be paid to him under the provisions of this act for the use of such district, and he shall charge each district with all sums of money paid out on account of road or bridge work done in said district and he shall, under the direction of the road commission, pro-rate the amount paid for the salary of the superintendent of roads, county engineer, the per diem and other expenses of the road commission, the salary of the secretary of said road commission, the expense of keeping up the chain gang, for the purchase of machinery, teams and all other things for the general use of all the districts, among the several districts in accordance with the amount of road taxes collected from each district for the preceding year, or from the townships constituting each district. And the road commission shall from time to time apportion and charge against the several road districts such sums of money as may be necessary to pay the salary of the superintendent of roads, county engineer, per diem and expenses of the road commission, salary of the secretary thereof, expense of keeping up the chain gang, for the purchase of machinery, teams and all other things for the general use of all the districts and when the said apportionment has been made, it shall be reported to the county treasurer, who shall enter the same upon his books accordingly.

Road fund accounts.

Credits.

Charges.

Apportionment of charges.

Report of apportionment.

SEC. 45. For his services in collecting and paying over to the treasurer all sums of money levied for road taxes, and for performing all duties enjoined upon him by this act, the sheriff of Robeson County shall be allowed a commission of four per cent upon all moneys collected by him for road purposes, and he shall be entitled to retain this sum upon his settlement of road taxes with the county treasurer and he shall be entitled to receive no compensation upon payments to the county treasurer. The treasurer of Robeson County shall be allowed a commission of two per cent upon all moneys disbursed by him on account of the road funds of the several road districts, and the bridge fund, such sum to be received by him in full for all services enjoined upon him by virtue of this act. The said treasurer and the said sheriff shall both give bond with good and sufficient sureties, in such sums as may be designated by the said road commission, not to exceed one-half the amount of road taxes collected for the previous year, conditioned upon the faithful discharge of their duties under this act and for the honest and faithful accounting for all sums of money which may come into their hands by virtue of the provisions of this act and their office, and the said bonds shall be renewed annually, and shall be approved by the said road commission, and shall be filed with the secretary of

Commission of sheriff.

Commission of treasurer.

Bonds of treasurer and sheriff.

Expense of bonds. the road commission, and shall also be recorded in the book of official bonds of the county of Robeson. The expense of such bonds, if given in a surety company, shall be paid for out of the general funds of said county by the board of commissioners thereof.

Control of road funds.

SEC. 46. The said road commission shall have full and complete control of all road taxes collected under the provisions of this act and all fines, penalties or forfeitures that may be collected hereunder shall forthwith be paid to the treasurer of said county. All disbursements of road funds shall be made upon itemized accounts first duly made, sworn to and filed with the secretary of the road commission and no moneys belonging to the road fund of any road district shall be disbursed by the county treasurer except upon warrant duly issued by the authority of said road commission at a regular meeting thereof, which said warrant shall be signed by the chairman and attested by the secretary of said road commission, and the warrant shall specify the name of the person to whom to be paid, the amount to be paid, the purpose for which it is to be paid, and the road district out of whose funds it is to be paid and against which the amount is to be charged; and in his settlement the treasurer shall be credited with the amount of all vouchers which have been properly issued and paid under the authority of this act.

Warrants for disbursements.

Settlement with treasurer.

SEC. 47. It shall be the duty of the said road commission on the first Monday in May in each and every year to make settlement with the county treasurer for all road funds coming into his hands from taxes levied and collected for the previous year, or other sources, and it shall be the duty of said road commission to carefully examine the books of the said treasurer in relation to said road fund, and to carefully examine all vouchers and disbursements made and claimed by said treasurer and to make settlement with the treasurer accordingly, and if it shall be ascertained that the said treasurer has or should have funds in his hands for which he neglects or refuses to account, then it shall be the duty of the said road commission to

Suit on bond.

enter suit in the superior court of Robeson County against said treasurer and his bond to secure the road fund and to prosecute such action to final judgment and to collect the amount due the road fund of any district by said treasurer, and to bring any civil action which may be necessary to collect any amount due the road fund of any district within the county by said treasurer or by any other person whomsoever.

Deposits of road funds.

SEC. 48. It shall be the duty of the treasurer of Robeson County to deposit all moneys received by him from the sheriff of said county, or other sources, collected on account of road taxes levied under this act, or penalties, fines or forfeitures collected hereunder, and all other moneys received by him under the authority of this act, in the same manner as may now or hereafter be provided by law for the deposit of other county funds, and the provisions of law relative to other county funds and the deposit thereof shall be bind-

ing upon the treasurer of said county and all road funds shall be deposited in accordance therewith.

SEC. 49. All moneys now in the hands of the sheriff of Robeson County, or the treasurer of said county, belonging to the road funds of the several townships, which have been collected under the provisions of chapter four hundred and twenty-two, Public Laws of one thousand nine hundred and nine, or which may hereafter be collected under the provisions of said act, shall be turned over by the person in whose hands the same may be, or the person who shall hereafter collect or receive the same, to the treasurer of Robeson County and such moneys shall be by him credited to the road fund of the district within which such township is located under the provisions of this act—the funds now on hand or hereafter collected under the provisions of said chapter four hundred and twenty-two, Public Laws of one thousand nine hundred and nine, and belonging to the several townships contained in the several road districts herein provided for being turned over by the treasurer into the road fund of the district within which such township is located; and all such sums of money shall be available for working and repairing the public roads and bridges of the several road districts as though the same had been collected under the provisions of this act.

Moneys to be credited to road fund.

SEC. 50. It shall be the duty of the board of road trustees of the several townships within said county, created and acting under authority of chapter four hundred and twenty-two, Public Laws of one thousand nine hundred and nine, on or before the first Monday in April, one thousand nine hundred and eleven, to submit to the said road commission, under their hands and seals, a full and complete statement of any and all property in their hands or under their control and belonging to the roads of their respective townships, and it shall be the duty of the said road trustees of the several townships and of all other persons who may have any property which shall belong to the roads of any particular township within the county, to forthwith turn over said property to the superintendent of roads to be elected under the provisions of this act, and such property shall be by him held subject to the orders of the road commission, and all such property shall be forthwith held for the use and benefit of the road district within which the township is located to which such property formerly belonged.

Reports of road trustees.

Property delivered,

SEC. 51. It shall be the duty of the board of road trustees of the several townships of Robeson County as existing under chapter four hundred and twenty-two, Public Laws of one thousand nine hundred and nine, on or before the first Monday in April, one thousand nine hundred and eleven, to submit to the said road commission, under their hands and seals, a full and complete itemized statement of any and all debts due by the road fund of their respective townships, and each of said statements shall give the amount of the debt, the person to whom due and when due, the

Statements of existing debts.

Examination and  
payment.

purpose for which the debt was contracted and also whether evidenced by note and if so, the present holder thereof. The statements herein provided for shall be filed with the road commission and spread upon the minutes thereof and thereupon it shall be the duty of the road commission to ascertain whether the statements so filed are correct, and if found correct, then it shall be the duty of said road commission to cause all just debts of the road funds of the several townships which have been legally contracted under the authority of law to be paid out of the taxes collected or to be collected for the year one thousand nine hundred and ten, within the road district in which such township is located; or if such taxes be not sufficient to pay said debts, then the balance shall be paid out of the road taxes to be collected in the road districts within which such township is located for the year one thousand nine hundred and twelve and all taxes collected under this act shall be subject for use in the payment of all just debts contracted by legal authority under the provisions of chapter four hundred and twenty-two, Public Laws of one thousand nine hundred and nine, and until all such debts have been fully paid.

Frauds declared  
misdemeanor.

SEC. 52. Any member of the road commission, superintendent of roads, county engineer, overseer, foreman or other employee of the road commission who shall withhold any moneys collected or received by him for the road fund, or who shall render a false account to the road commission, or who shall pay or cause to be paid any false or fictitious claim out of the road fund, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court. If any superintendent of roads, engineer, overseer, foreman or other employee of the road commission shall willfully file any false account with said road commission, or make any false statement in reference thereto, or procure or aid in the procuring of any money upon a false or fictitious claim in relation to the road work, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Punishment.

Further  
enumeration.

Punishment.

Interest of officers  
in contracts or  
purchases  
forbidden.

SEC. 53. It shall be unlawful for any member of the road commission, superintendent of roads, county engineer, overseer, foreman or any other employee of the road commission, or any other person who shall hold any fiduciary or official relation in connection with the duties imposed by this act, to be interested either directly or indirectly in any contract, undertaking or matter in which the public roads are concerned as provided in this act, and it shall be unlawful for any member of the road commission, superintendent of roads, county engineer, overseer, foreman or other employee of the road commission, or for any firm or corporation in which such member of the road commission, superintendent of roads, county engineer, overseer, foreman or other employee of the road commission is interested, either as partner, stockholder or otherwise, to

sell or participate in the sale to said road commission, or any one acting under its authority or on its behalf, any goods, wares, merchandise, stock, tools, machinery or other articles of sale whatsoever to be used by the road authorities under the provisions of this act. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court, and shall also forfeit and pay the sum of two hundred dollars to be recovered by any person suing for the same before any justice of the peace of Robeson County.

Misdemeanor.

Punishment.

Forfeit.

SEC. 54. The said road commission shall, on or before the first Monday in January, one thousand nine hundred and twelve, and annually thereafter publish in some newspaper of general circulation in the county of Robeson, an itemized statement and account of all receipts and disbursements made by the said road commission during the preceding year on behalf of each of the several road districts within said county as provided by this act, which said statement shall be sworn to by each member of the said road commission and attested by the secretary thereof, and the said statement shall also be published at the court-house door of said county for a period of thirty days and shall show in detail the amounts received, the source from which received and the date when received; the amount disbursed, for what purpose disbursed, to whom disbursed, and the date when disbursed.

Annual publication of receipts and disbursements.

SEC. 55. Each and every person who shall fail or neglect to perform the several duties enjoined by this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court, except as herein otherwise provided.

Failure or neglect of duty a misdemeanor.

Punishment.

SEC. 56. The said road commission shall have the power and authority to make such other and additional rules and regulations for the proper working of the public roads of Robeson County, not inconsistent with the provisions of this act, as it may deem necessary or expedient, and any such rules or regulations as may be adopted by it shall be posted at the court-house door by the secretary of said road commission and shall not take effect until the same has been posted for at least ten days.

Rules and regulations by road commission.

SEC. 57. The said commission shall have power and authority, if it deem advisable, to cause such number of road drags as it may deem necessary to be built in accordance with plans specification for such drags in use by the government of the United States and to pay the expense of the construction of such drags out of the road funds herein provided, and to pro-rate the expense thereof among the several road districts herein provided for; and to loan such drags to any tax-paying citizen of the county who will agree to drag the road running through his premises after every heavy rain and at least once a month, and who shall abide the rules and regu-

Road drags.

Loan of drags.

Use of drags.      lations made by this said road commission relative thereto; and the said drags shall remain at all times the property of the said road commission and shall only be used in dragging the public roads of Robeson County, and shall be used and disposed of in accordance with rules and regulations to be adopted by said road commission.

Law repealed.      SEC. 58. That chapter four hundred and twenty-two of the Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed and any offices created under the said act are hereby abolished: *Provided, however,* that this section shall not prevent the collection and payment of any taxes which were levied under said act and which remain uncollected, but the same shall be collected and paid over to the treasurer of Robeson County as herein provided: *Provided, further,* that the provisions of this section shall not be construed to interfere with the prosecution of any action now pending in the superior court of Robeson County which has been brought by or against the board of road trustees of any township within the county, or by or against the board of commissioners of said county to recover damages for condemnation of land under the act of one thousand nine hundred and nine, or otherwise, but all such actions shall remain unaffected by the provisions of this section and if judgment shall be had in favor of the plaintiffs in such action or actions, then the amount thereof shall be paid out of the road fund of the district within which such action originated:

Proviso:  
uncollected taxes.

Proviso:  
pending actions.

*Provided, further,* that this section shall not render invalid any just debt contracted by, or just claims against the board of road trustees of any township within the county, or the board of commissioners of said county, under the acts of one thousand nine hundred and nine, but all such just debts shall be paid by the said road commission out of any road funds which may come into their hands from taxes levied or to be levied under the provisions of this act and the amount thereof shall be charged against the road fund of the district within which such debt originated.

Proviso:  
existing debt.

SEC. 59. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 60. That this act shall take effect from and after its ratification.

Ratified this 3d day of March, 1911.

## CHAPTER 577.

## AN ACT TO PROVIDE FOR PUBLIC SALES OF PROPERTY BELONGING TO RUTHERFORD COUNTY, AND CONTRACTS AFFECTING SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That when it shall become necessary and the duty of the board of county commissioners of Rutherford County to make sale or dispose of in any way any property belonging to said county, the valuation of which shall not exceed one hundred dollars, then and in that event it shall be the duty of the board of county commissioners and they are hereby authorized and directed to sell such property at public auction to the highest bidder, upon the terms which may seem best to the interest of said county, at the court-house door in Rutherfordton, North Carolina, on the first Monday in any month, between the legal hours of sale, first giving notice of such sale by posting same at the court-house door, and publishing such notice in some newspaper published in Rutherford County, describing particularly the property to be sold.

Sales at public auction.

Time and place of sales.

Notice of sales.

SEC. 2. That it shall be the duty of the board of county commissioners of Rutherford County before making any contract or binding the credit of said county in excess of one hundred dollars, to advertise for bids on such contract, either sealed or in any manner which may be for the best interest of said county. Said notice shall be given for thirty days prior to the letting of such contract, and upon the examination of such bids as shall have been received by said board of county commissioners, it shall be their duty and they are hereby directed to let such contract to the person or persons, firm or corporation submitting the lowest bid for such contract: *Provided*, such person or persons, firm or corporation shall first execute and deliver to said board of county commissioners a good and sufficient bond or undertaking, conditioned upon the faithful performance of such contract, such bond or undertaking being in double the amount of the contract to be performed by such contractor. Notice asking for such bids shall be posted at the court-house door in Rutherfordton for thirty days, and by publishing notice of same in some newspaper published in said county for four successive weeks prior to the letting of such contract.

Bids for contracts.

Notice for letting contract.

Proviso: bond of contractor.

Notice for bids.

SEC. 3. That all sales and contracts made in violation of the provisions of this act shall be void, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sales and contracts void.

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

Ratified this 3d day of March, 1911.

## CHAPTER 578.

AN ACT TO GRANT A NEW CHARTER TO THE CITY OF KINSTON, LENOIR COUNTY, NORTH CAROLINA, REPEALING ALL LAWS, OR PARTS OF LAWS, IN CONFLICT HEREWITH.

*The General Assembly of North Carolina do enact:*

Incorporation.

SECTION 1. Corporate name: That all the inhabitants of the city of Kinston, Lenoir County, N. C., as the boundaries and limits of said city are herein established, or may hereinafter be established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "City of Kinston," with such powers, rights and duties as are herein provided.

Corporate name.

Corporate powers.

Boundaries.

SEC. 2. Boundaries. That the boundaries and limits of said corporation shall be as follows: Beginning at a point on the southern edge of Tower Hill road five hundred feet north seventy-three degrees east of the intersection of the northeast corner of Orion street with the southern edge of Tower Hill road; thence north twenty-three degrees forty-five minutes west three thousand three hundred feet to a cypress tree on the northwest side of the roadbed of the A. C. L. Railroad, said cypress being twenty-four feet four inches from a point in the center of the roadbed eight feet southerly of the southernmost edge of the southernmost crosstie in the trestle across Adkin Branch; thence in a southwesterly direction to the northwest corner of the silk mill property; thence in a westerly direction with the old road to the west side of the Kinston and Snow Hill county road; thence with the said road to the southeast corner of the Rountree property, thence with the Rountree property line north eighty-four degrees west seven hundred and sixty-five feet to a stake in the said Rountree property line; thence south five degrees west one thousand six hundred and thirteen feet to a stake in the eastern edge of Pollock street, ten feet south of the intersection with the southern edge of the Goldsboro public road; thence north seventy-nine degrees west eight hundred and thirty-three feet ten inches to a point one hundred and fifty-four feet six inches west of the western edge of the second street west of Pollock street; thence south three degrees forty-five minutes west one thousand and seventy-eight feet to a point in the northern edge of Atlantic avenue, fifty-five feet six and three-fourth inches northerly of the outside edge of the northermost rail of the Norfolk Southern Railroad; thence north eighty and one-half degrees west nine hundred and ninety-one feet to a point opposite the northwestern corner of the water and light plant property, owned by the city of Kinston; thence south to and beyond said corner with the city property's western line to Manning street extended in said line; thence east with Manning street to Rhem street; thence south with Rhem street to the edge

of the low growth; thence south to Neuse River; thence down the various meanders of said Neuse River to a point on said river that bears south eighty-seven degrees thirty minutes west from a stake in the westernmost fence line of the lumber company's plant lot, fifty-one feet north of the fence corner; thence north eighty-seven degrees thirty minutes east to the above mentioned stake in the fence line; thence north eighty-seven degrees thirty minutes east eight hundred and twenty-five feet to an elm near the old Stubbs house on the east side of Heritage street; thence south twelve and one-half degrees west three hundred and twenty-four feet to a stake at the intersection of Heritage and Spring Hill streets; thence south seventy-six degrees east seven hundred and eighty-nine and one-half feet to a stake; thence south seventy-seven and one-half degrees east four thousand one hundred and sixty feet to a stake at a telegraph pole on the western side of the Norfolk Southern Railroad bed; thence north seventy-seven degrees forty-five minutes east seven hundred and eighty-six and one-half feet to a marked persimmon tree; thence north one degree and forty-five minutes east two thousand one hundred and thirty-six feet to a marked poplar tree on the edge of the swamp of Adkin Branch; thence with the various courses of the edge of said swamp to a stake (which said stake is located as follows: North eighty degrees west one hundred and eighty-five feet, north sixty-five degrees forty-five minutes, west four hundred and sixty-four feet, north fifty-two degrees forty-five minutes, west one hundred and thirty feet to the above mentioned stake); thence north seventeen degrees west four hundred and ninety-five feet to a stake; thence north eleven and one-half degrees west three hundred and eighty feet to a stake (at the corner of the pasture); thence north fifty degrees forty-five minutes east one thousand two hundred and six feet to a sycamore sapling on a ditch; thence north eight degrees forty-five minutes east seven hundred and five feet eight inches to a stake at the footway across Adkin Branch on the southern edge of Tower Hill road; thence with the southern edge of Tower Hill road south eighty-three degrees thirty minutes west five hundred and eleven feet; thence south seventy-four degrees west three hundred and forty-four feet to the beginning point. And all the territory contained within said boundaries or limits shall be divided in three wards as follows:

Division into wards.

The first ward shall contain all the territory in the city of Kinston west of Queen street; the second ward shall contain all the territory in the city of Kinston north of Gordon street and east of Queen street; and the third ward shall contain all the territory in the city of Kinston south of Gordon and east of Queen street: *Provided*, that the city council shall have the power from time to time, by ordinance, to cause a division of said city to be made into as many wards (not less than three) as they may deem necessary and for the good of the inhabitants of said city.

First ward.

Second ward.

Third ward.

Proviso: change of wards.

Property platted to conform to existing streets.

SEC. 3. Platting or <sup>6</sup>property. That should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay off the same to conform to the streets and lots abutting on same, and shall file with the city engineer a correct map of same: *Provided*, that in no case shall the city of Kinston be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the city of Kinston for use as public highways and shall be cared for as such.

Map to be filed.

Proviso: property in streets vested in the city.

Corporate powers.

SEC. 4. Corporate powers. The city of Kinston, made a body politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, and may contract and be contracted with, may implead and be impleaded in all courts and places, and in all matters whatever may take, hold and purchase lands as may be needed for the corporate purposes of said city, and may sell any real estate or personal property owned by it, perform and render all public services when deemed expedient; may condemn property for public use and may hold, manage and control the same, such condemnation proceedings to be governed and controlled by the city council and shall be subject to all the duties and obligations now pertaining to or incumbent upon said city, as a corporation, not in conflict with the provisions of this act, and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city and herein granted and conferred.

Power to condemn land.

When any land or right-of-way shall be required for the purpose of opening new streets, or for extending or adding to any street, already open, or for widening the same, or for the purpose of adding to the present city cemetery, or extending the same, or for making a new city cemetery, or for any other public use allowed by this charter, and the parties owning the same either for want of capacity in said parties to agree, on account of non-age, or any other reason fail to agree as to the compensation for the same, and the same can not be purchased from the owner, or owners, by agreement, the said city of Kinston is hereby given the right, if it shall so desire to condemn the said land for said purpose, or purposes, by suit in Lenoir County superior court, in which suit, in the complaint, the purposes for which said land is desired to be condemned shall be set forth may proceed to condemn the same and have the compensation therefor, to be paid to the owners, assessed by a jury, and when said city shall have paid said compensation into court, or to said owners thereof, title thereto shall be full and complete for the purposes for which the same is sought to be condemned, and said suit shall be conducted as any other suit in said court, but if the summons is duly served on all the parties interested, either by pub-

Suit for condemnation.

Conduct of suit.

lication or personal service, and said service completed, and the complaint filed, ten days before the beginning of said term, then and in that event said action shall be returnable and triable at the return term named in the summons therein, and said case shall take precedence over all other cases on said docket, and either party may appeal from the judgment as in any other case. In addition to the right to condemn by suit, as above given, the said city shall have the right, at its election, to condemn any land that it may desire, for any of the purposes mentioned in this charter, by passing an ordinance duly condemning the same, and laying the same out, and if the parties owning said land, or any of them, and the city council, can not agree upon a compensation therefor, then they may select three freeholders resident in said city; one to be selected by the city council, one to be chosen by the property owner or owners, and the two so chosen shall choose the third person, and said three persons when so chosen shall proceed to assess the compensation therefor, to be paid by the said city, on the condemnation thereof, and they shall report their award to the said city council, and to the owner, or owners of said property, and if any party shall be dissatisfied with such award, then in that case either party may appeal to the superior court of Lenoir County, but such appeal shall not hinder or delay the city council in putting said land to the use desired, and that such appeal when so docketed shall stand for trial on the first day of the next civil term of court, and shall take precedence over all other cases. The methods of condemnation herein given shall not conflict with each other, and the city is given full right to pursue any method it may desire, and the institution of a suit for the condemnation hereunder for any purpose allowed by this charter shall be an election to pursue such method. Whenever the method of condemnation by assessing the damages therefor by arbitration shall be pursued, when the award shall be reported to the city council, and the compensation allowed in said award, or on appeal by the same, by judgment, of any court shall be paid then the title to the land shall pass to and be vested in the city of Kinston, for the purposes for which it is condemned, as fully as if a judgment had been obtained therefor by suit in the superior court in the first instance.

SEC. 5. Powers of ordinance. The city of Kinston shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order and security of the city and its inhabitants: to protect life, health and property of all inhabitants of said city, and to enact and enforce any and all ordinances upon such subjects: *Provided*, that no ordinance shall be enacted inconsistent with the laws of the State of North Carolina or inconsistent with the provisions of this

Return and trial.

Right of appeal.  
Ordinance for  
condemnation.Procedure for  
assessment of  
damages.

Right of appeal.

Appeal not to  
delay action.Methods not in  
conflict.Title to vest in  
city.Power to enact  
and enforce  
ordinances.Enumeration of  
subjects of  
ordinances.Proviso:  
ordinances  
consistent with  
law.

Proviso: general powers not limited.

Printed ordinances evidence.

Property and rights vested in city.

Pending actions.

Powers as to streets.

act: and *Provided, further*, that the specification for particular powers shall never be construed as a limitation upon the general powers herein granted, it being intended by this act to grant and bestow upon the inhabitants of Kinston and the city of Kinston full power of self government, and it shall have and exercise all powers of municipal government not prohibited to it by this charter or by some general law of the State of North Carolina, or by the provisions of the Constitution of the State of North Carolina. All ordinances of the city of Kinston when printed and published and bearing on the title page thereof the words "Ordained and published by the city council of the city of Kinston," or words of like import, shall be prima facie evidence of their authenticity, and shall be admitted and received in all courts and places without further proof.

SEC. 6. Real estate, etc., owned by city. All real estate owned in fee simple or held by lease, sufferance, easement or otherwise, all public buildings, market houses, schoolhouses, fire engine stations, public squares, parks, streets, alleys and all property of whatever kind, character and description, which has been granted, donated, purchased or otherwise acquired by the city of Kinston through any means or agency; and all causes of action, rights or privileges of every kind and character, and all property of whatever character or description which may have been held, controlled or used by said city of Kinston for public uses or in trust for the public shall vest in and remain in and inure to the said corporation, the city of Kinston, under this act, and all suits and pending actions to which the city of Kinston heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

SEC. 7. Street powers. The city of Kinston shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, embellish and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close same, put drains and sewers therein; provide for and regulate the lighting thereof and regulate, control, license, prevent, prohibit and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals and vehicles, in whatever way, or for whatever purpose; to prevent, abate and remove encroachments, obstructions, pollutions or litter therein; to open new streets and highways when necessary, and generally to make and enforce any and all regulations in respect thereof in the judgment of the city council requisite, proper or expedient to promote and insure the health, safety and convenience of the inhabitants and public of said city.

SEC. 8. Sidewalks. The city of Kinston may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of or abutting on their land or property, and may prescribe the character of such sidewalk and manner in which it shall be laid. Should any person or corporation owning property in the said city of Kinston fail or refuse to construct sidewalks in front of or abutting on their property in accordance with the ordinance passed by the city of Kinston, in addition to the penalty provided for herein the city of Kinston shall have the right to have said sidewalk constructed in accordance with such ordinance, at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction for the amount of the cost and expense in constructing said sidewalks, and said city shall also have a first lien on such abutting property: *Provided*, the city shall first establish the proper grading and place the curbstone at the expense of the said city.

Powers as to construction and maintenance of sidewalks.

Proviso: grading and curbing.

SEC. 9. To regulate street and electric railway companies. The city of Kinston shall have the power by ordinance, or otherwise, to regulate the speed of engines, locomotives and street cars within the limits of said city, and to require steam railway companies to keep the streets over which they run properly drained and to light same wherever deemed necessary, and to require steam and electric railway companies to construct and keep in repair, from curb to curb, bridges and crossings for all ditches, and to construct and maintain drains and culverts where crossed by any lines of said railways, on all streets over which they run; to direct and control the laying and construction of railway tracks, turnouts and switches, and to regulate the grade of same, and to require them to conform to the grade of the streets of said city, as they may be, or are now established, and the said tracks, turnouts and switches to be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of streets. The city of Kinston shall also have the power to assess and collect ordinary municipal taxes upon city railroads, and to compel said city railroad companies to keep their roads in repair and restrain the rate of travel so as not to exceed seven miles per hour, and to compel the said city railroad to supply ample accommodations for the safe and convenient travel of the people on any streets where their tracks may run. The city council may enforce these regulations by proper ordinance with suitable penalties for all violations of said ordinances. Whenever the city council shall determine to fill, grade, pave or otherwise improve any street or avenue, and over and upon which, or any portion thereof, there may be tracks or roadbeds of any railroad company, the said railroad shall upon notice fill, grade or pave, or otherwise improve the portion of said street or avenue so occupied by it between the rails of said tracks and for one foot on each side of said rails with such material and in such manner as has or may be

Traffic regulations.

Taxes.

Enforcement of ordinances.

Improvements imposed on railroads using streets

provided by said council for improvement of the other portions of such street or avenue. Upon failure to do so, after thirty days notice, the said council may so improve such street or avenue between said rails, and one foot on each side thereof, for account of said railroad company; and for all sums so expended, and legal interest thereon, the city of Kinston shall have a first lien on road-bed, franchises and other property of said railroad company, and if not paid upon demand suit may be brought by said city to recover said indebtedness and for the foreclosure of said lien. Any railroad or street railway company proposing, with the permission of the city council to occupy any street, or streets, already occupied by any other such company, shall beside paying for paving as may be required by the city council, or by the provisions of this act, be required also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road, and such cost shall be a lien upon the property and franchises of the company. Should any railroad, or street railroad company, propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this act, it shall become liable for the portion of the cost of such improvement as the city council may direct or as is fixed by this act. No railroad or street railway company shall be permitted to occupy any street or portion of street improved or otherwise, not previously occupied by it, except with the permission of the city council. The city council shall have power by ordinance to require any street car or electric railway company, or other person or corporation, operating street cars into or through the city of Kinston, to issue to its passengers transfers from any of its lines to any other line within the city, upon the payment by said passenger of the fare or rate prescribed for one continuous passage.

Permission for use of streets.

Issue of transfers enforced.

Vestibules.

SEC. 10. Vestibule of cars. The city council may by ordinance duly passed require any street car company operating its line or cars within or into the city of Kinston to equip its cars with vestibule of such pattern and style and during such period of the year as may be prescribed by ordinance. The city shall also have the right and power by ordinance duly passed, to require any street railway company operating its lines or cars within the limits of the city of Kinston to equip its cars with fenders of such style, design or pattern as may be prescribed by the city council, and to run closed cars in the months of December, January, February and March of each year.

Fenders.

Closed cars.

Regulation of rates and tolls of public utilities.

SEC. 11. To regulate rates of public utilities. The city council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights; of public carriers and hacks for the transportation of passengers, freight or baggage: to fix and regulate the fares and charges for electric and street railway companies, and shall require by ordinance, under proper penalties, that

any street railroad using any of the streets of the city shall for one fare give a transfer from any of its lines to any other line in the city, whether such other line be owned by it or by any other company and in addition to the penalties to be prescribed by ordinance for the failure to give transfers shall have a right of mandamus, or other proper remedy in any court of competent jurisdiction, to enforce any ordinance requiring the giving of transfers by any street railway company; and in addition thereto the city of Kinston may recover of the street railway company the sum of twenty-five (\$25) dollars as penalty and liquidated damages for each and every failure to give a transfer. It shall be unlawful to continue, amend or extend any street railway franchise without binding any such railroad to give universal transfers.

Transfers.

Remedy by mandamus.

Penalty.

SEC. 12. Sewer and waterworks. The city of Kinston may buy, construct, establish, maintain, operate and regulate a system of sewerage and waterworks, make, regulate and establish public wells, pumps and cisterns, hydrants, reservoirs and stand pipes in the streets or elsewhere within the said city or beyond the limits thereof for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water or any injury to said waterworks, and to pass ordinance for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of waterworks, whether within or without the limits of said city; conforming the mode and manner of same to the rules now prescribed for cities and towns by the general laws of the State of the condemnation of property for the construction of waterworks and of sewers or sewerage system; to adopt rules and regulations for the management of the waterworks and sewerage system, and make and establish schedules of water and sewer rates and toll, and prescribe the mode and manner of the construction of the surface pipe, alley lateral and house connection with the water main and sewer pipes.

System of sewerage and waterworks.

SEC. 13. Connect with sewers. The city of Kinston may require all owners, tenants and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the city may construct, own or control, or that it may acquire by purchase, or otherwise, to connect with such sewerage or system of sewerage, water closets, sinks or drains, located upon their respective property or premises so that their contents may be emptied into such sewer or system of sewerage, whether said system is constructed by said city or is acquired by it by purchase or otherwise: *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the city to make sewer connection or to do any other thing which the city council has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement if the primary obligation to do the same was on the

Enforcement of sewer connections.

Proviso: lien of tenant for re-imbusement.

- Enforcement of lien. landlord. Said lien to be enforced by competent proceeding in any court of competent jurisdiction, and the tenant or occupant may when so entitled under the general principles of set off use such claim against his liability for rent.
- Condemnation and abatement of nuisances. SEC. 14. Condemn privies, wells, etc. Said city shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies and other erections in the city which on inspection shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated or removed at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the council, shall reconstruct same in such a manner as shall be prescribed by the laws of the city, and as to all buildings, cisterns, wells, privies and other private improvements to be constructed in the future they shall have the power, and it shall be their duty to have the same so constructed as not to interfere with the health of persons or the safety of persons or property within the city.
- Regulation of construction. SEC. 15. Ownership and regulation of public utilities. The right is hereby granted to the city of Kinston to own or to acquire by purchase its public utilities, such as gas, waterworks, electric lights and underground, surface and elevated street railways, subways, or underground conduit system for electric light, power and other wires used for the purpose of transmitting any electric service: *Provided*, that no purchase, or expenditure shall be made under this section unless the same shall first have been submitted to the vote of the qualified taxpaying voters at an election to be held exclusively for that purpose, and the right is hereby granted to the city of Kinston to regulate all public utilities in said city and to require an efficiency of public service, and to require all persons or corporations to discharge the duties and undertaking for the purpose of which the respective franchises were made.
- Right to own public utilities. *Provided*, that no purchase, or expenditure shall be made under this section unless the same shall first have been submitted to the vote of the qualified taxpaying voters at an election to be held exclusively for that purpose, and the right is hereby granted to the city of Kinston to regulate all public utilities in said city and to require an efficiency of public service, and to require all persons or corporations to discharge the duties and undertaking for the purpose of which the respective franchises were made.
- Proviso: purchase submitted to vote. SEC. 16. Fires. The city of Kinston shall have the power to provide the means for the protection against and the extinguishment of conflagration, and for the regulation, maintenance and support of the fire department, and for the purpose of guarding against the calamities of fires, may prescribe fire limits and may regulate or prohibit the erection of buildings, placing or repairing of wooden buildings within such limits of said city of Kinston as may by ordinance be designated and prescribed as fire limits, and may also, within said limits, prohibit the moving or putting upon of any wooden building from without said limits, and may also prohibit the removal of any wood building from one place to another within said limit, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fire-proof material, the kind, character, extent and quality of which may by ordinance be prescribed and fixed; also may prohibit the repairing of wooden buildings in fire limits
- Regulation of public utilities.
- Fire department.
- Fire limits.

when the same shall have been damaged to within fifty per cent of the value thereof, and may prescribe the manner of finding such damages, and may also declare all dilapidated buildings to be nuisances and direct same to repaired, removed or abated in such manner as council may prescribe, and may declare all wooden buildings in fire limits which they deem dangerous to contiguous buildings, or which may cause or promote fires to be nuisances, and cause same to be removed at the expense of the owner, and may further prescribe limits within which only a fire-proof roofing may be used, and may impose a penalty for the violation of such rules and regulations.

Declaration of nuisances.

SEC. 17. Markets and abattoirs. Said city shall have the power to establish, lease, buy, erect, maintain, own, regulate and operate market and market places and abattoirs, and to build, own and maintain buildings therefor and to rent and lease the same.

Markets and abattoirs.

SEC. 18. Health. The city of Kinston shall have the power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits if deemed advisable or if found necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions of the city, and when demanded by the public interest, or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be reinterred in a suitable place to be provided by the city at its expense, and whenever advisable the city may condemn the land proposed to be used for the reinterment of bodies in the same manner as in condemnation of streets (section four) and use such condemned ground formerly used for cemeteries for such other purposes as may best subserve the interest of the city. The city of Kinston shall have the power to acquire the land and ground inside or outside the city limits by purchase, gift or otherwise, to be devoted to and used for the purpose of a private and public cemetery and to pass such suitable regulations concerning the burial of the dead in such cemetery, and make such charges for the burial of the dead therein as may be deemed proper by the city council; and the said city shall also have the power to appropriate private property lying within or without the city limits to be used and devoted for cemetery purposes as herein stated, by condemnation proceedings brought for such purposes, and in such cases the proceedings had to condemn such land shall be governed and controlled by the city council as provided for in section four of this act.

Crematories and cemeteries.

Prohibition of burials.

Removal and reinterment of dead bodies.

Land for cemeteries.

Condemnation proceedings.

(2) To regulate the burial of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality and impose penalty on physicians and undertakers, sextons and others for any default in the premises.

Regulation of burials.  
Vital statistics.

(3) The city council shall also have the power by ordinance to authorize the destroying of clothing, bedding, furniture and build-

Destruction of infected property.

ings infected with germs of any infectious or dangerous disease when the public health requires the destruction of same, and may also in the same manner authorize the destruction or removal of the buildings or other objects after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said city.

Quarantine.

(4) To make regulations to prevent the introduction of contagious diseases in the city; to make quarantine laws for that purpose, and to enforce them within the city and within one mile thereof.

Regulation of private drains.

(5) To require owners of private drains, sinks or privies to fill, cleanse, drain, alter, relay, repair, fix and improve the same as they may be ordered by resolution or ordinance, and impose penalties upon persons failing to do same. If there be no persons in the city upon whom such order can be served the city can have such work done and the cost of same shall be a lien on the property and taxed up against it and collected in such manner as the city council may determine.

Removal of carcass and other unwholesome substances.

(6) To prevent any person from bringing, depositing or having within the city limits the carcass of any dead animal or other unwholesome substance or matter of fifth of any kind and to require prompt removal of same, and impose all necessary penalties for the enforcement of such powers.

Inspection and regulation of dairies.

(7) To provide for the inspection of dairies, inside and outside of the city limits, and doing business within the city, and to charge and provide license fees for inspection; to establish and maintain a standard of sanitary conditions governing dairies, inside and outside the city, and doing business within the city; to establish and maintain a standard of quality of all dairy products sold in the city and to provide for penalties for violation thereof.

Butchers and slaughter houses.

(8) To regulate license or prohibit butchers and prevent their slaughtering animals within the city limits and remove their license for malconduct in trade, and to regulate license restraining the sale of fresh meats, fruits and vegetables and the slaughter of animals, and to license and regulate or prohibit slaughter houses within the city limits.

Removal of night soil.

The city of Kinston shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city reasonable charges for the removal of night soil or other refuse matter from the closets or premises thereof, and to prohibit any one, except some one in the employ of the city or by the city authorized to do so, from removing or carrying away the contents of any privy, vault or watercloset or any receptacle of human excrement; and the city shall have the right to have inspected the premises of all persons, at any hour during the daytime, in the interest of public health; and for the purpose of making said inspections the officers or agents of the city duly authorized to do so, shall have the

Inspection of premises.

right to enter upon the premises of any person at any hour during the daytime to make said inspection. Whenever notice is given by any officer or employee of the city inspecting any premises that said premises need cleaning, the said night soil or other refuse matter shall be removed and the owner or tenant of said premises shall pay to the city the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, the said persons shall be fined, upon conviction in the mayor's court, in any sum not less than one dollar nor more than two hundred dollars.

Removal at cost of individual.

Enforcement of payment.

SEC. 19. Police powers. The city of Kinston shall have the power by ordinance duly passed, to establish and maintain the city police department, to prescribe the duties of policemen and to regulate their conduct.

Police powers.

(2) To permit, forbid or regulate theaters, halls, dance houses and other public amusements and to suppress the same whenever the preservation of order and tranquillity of public safety or good morals may demand.

Public amusements.

(3) To make all needful and proper regulations concerning keepers of taverns and other public houses, draymen, horse drivers and omnibus drivers, hack drivers and drivers of baggage wagons and other vehicles: to establish maximum rates for all kinds of transportation within the city limits, to prevent extortion and to preserve order, and to prevent noises and confusion in and about the depots at the arrival and departure of railroad trains, and to provide how and where hacks and other carriers shall stand or take their position upon the streets adjacent or near said depots, and where they shall stand when not receiving or discharging passengers.

Public houses and transfer business.

(4) To regulate or prohibit bathing or swimming in Neuse River within two miles of the corporate limits of said city by providing ordinance against it, and may exercise police authority on either side of the banks of said river within said distance for the purpose of enforcing such ordinance.

Bathing and swimming in river.

(5) To provide and fix by ordinance public stands where hacks, drays, baggage wagons or other public carriers shall stand on the streets of said city for the purpose of soliciting business, and to prescribe that they shall not stand, except when discharging or receiving passengers or freight, at any points other than those designated in the ordinance as public stands.

Transfer stands.

(6) To provide for the inspection of milch cows, whether kept within the city or without the city limits, from which milk is sold within the city limits, and to provide for the inspection of milk offered for sale and to prescribe the fees to be charged therefor.

Inspection of milch cows and milk.

(7) To establish and regulate public grounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens and pigeons, and to authorize the distraining, impounding and sale of same for the cost of pro-

Public grounds and animals running at large.

ceedings and penalty incurred, and to order their destruction when they can not be sold, and to impose penalties upon the owner thereof for the violation of any ordinance regulating or prohibiting same.

Dogs.

(8) To tax, regulate, restrain and prohibit the running at large of dogs and to authorize their destruction when at large contrary to ordinance, and to impose penalties upon the owners or keepers thereof.

Hoops, kites, fire-arms, velocipedes and bicycles.

(9) To prohibit, restrain or regulate the rolling of hoops, flying of kites and firing of firearms, use of velocipedes and bicycles and use of any pyrotechnic, or of any other amusement or practice tending to annoy persons passing upon the streets or to frighten horses or teams.

Noise nuisances.

(10) To restrain and prohibit the ringing of bells or blowing of horns, bugles or whistles, crying of goods or other noises, practices or performances tending to the collection of persons on the streets or sidewalks by auctioneers or others for the purpose of business, amusement or otherwise.

Beggars.

(11) To prohibit beggars, mendicants or persons of infirm or maimed bodies or suffering with disease of any kind from soliciting alms, help or assistance upon the streets or sidewalks of said city, and to prescribe a penalty by fine for non-observance thereof.

Railroad bells and whistles.

(12) To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives within the city and to regulate the speed thereof.

Driving animals through city.

(13) To regulate and control the driving of cattle, horses and other animals into and through the city.

Prevention of disorderly conduct.

(14) To prevent all trespasses and breaches of peace and good order, assault and battery, fighting and quarreling, use of abusive, profane and insulting language, and all disorderly conduct and to punish all keepers thus offending.

Loud or immoral shows.

(15) To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

Removal of abandoned tracks.

(16) To require on due notice all steam or street railway companies owning tracks within the city limits upon the public streets or highways of said city, which may have been or may hereafter be abandoned by such company by non-use, to remove such tracks, and to restore at their own expense the street or way upon which such abandoned track is located to its former condition.

Horse racing and fast riding.

(17) To prohibit, prevent and suppress horse racing, immoderate driving or riding in the streets of said city.

Fastening of horses.

(18) To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

License and regulation of enumerated subjects.

(19) To license, tax, regulate, prevent or suppress peddlers, pawn-brokers, and keepers of theatrical or other exhibition shows or amusements; to license, tax or prohibit theaters, circuses, moving

picture shows and exhibition of common showmen and shows of any kind and the exhibition of natural or artificial curiosities, menageries, musical exhibition and performances, and to regulate, license or prohibit street parades, pool tables, striking machines, lung testers, doll racks, cane racks and exhibition devices and things for which a fee is charged.

(20) To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and to punish the persons thus offending.

Boxing matches and cock and dog fighting.

(21) To define what shall be nuisances in the city, and to abate such nuisances by summary proceedings, and to punish the authors thereof by penalties, fines and imprisonment.

Definition and abatement of nuisances.

(22) To prohibit and punish by fine the willful introduction into the city by railroads or other carriers of paupers or persons afflicted with contagious diseases.

Introduction of paupers and diseased persons.

(23) To regulate parapet walls, to prevent dangerous construction and conditions of chimneys, fireplaces, hearths, stoves, stove pipes, boilers and other heating apparatus, and cause same to be removed and made safe.

Fire protection.

(24) To regulate the use of automobiles, motor cars, motor cycles or any motor vehicles and the speed thereof, to prescribe the proper lighting of same when used at night, to issue permits for the use of such vehicles and to require the numbering of said vehicles.

Automobiles.

(25) To control and regulate the location and use of all kinds of steam engines, and steam boilers in the city and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Steam engines and boilers.

(26) To inspect the construction of all buildings in the city and to prescribe and enforce proper regulations in regard thereto, and to regulate and locate or prohibit the erection of all poles in the city and cause same to be changed, whether telegraph, telephone, electric light or otherwise.

Building regulations.

(27) The city shall have the power to enforce the by-laws and ordinances of the city by fine not to exceed fifty dollars: *Provided*, that no ordinance or by-law shall provide lesser penalty than is prescribed for like offense by the laws of the State.

Enforcement of by-laws and ordinances.

Proviso: punishment.

SEC. 20. Public libraries. The city of Kinston shall have the power to provide for, establish and maintain a free public library within the city, and to co-operate with any person, firm or corporation under such terms as the city council may prescribe for the establishment of such free public library, and to that end they shall have the power to appropriate annually out of the general

Establishment and maintenance of libraries.

Appropriation.

revenue of the city as a fund for the support and maintenance of such public free library not to exceed fifty one-hundredths of a mill (.00050) of the assessed taxable value of the city for the current year: *Provided*, nothing in this section shall prohibit the city council from levying a special tax sufficient to maintain such public free library by submitting the question to a vote of the qualified voters of the city.

Proviso: special tax.

Limit of power to grant franchises.

SEC. 21. Franchises. The right of control, easement, use, ownership of and title to the streets, highways, public thoroughfares and property of the city of Kinston, its avenues, parks, bridges and all other public places and property are hereby declared to be inalienable except by ordinance duly passed by a majority of all the members of the city council and no grant of any franchise or lease or right to use the same either on, along, through or across, under or over the same, by any private corporation, association or individual shall be granted by the city council unless submitted to the vote of legally qualified voters of said city, for a longer period than thirty years: *Provided, however,* that whenever application is made for any grant or franchise, lease, right or privilege, in or to the streets or public thoroughfares of the city of Kinston by any person or corporation, if they so request, the city council shall submit the same at an election called for that purpose, the expense of which shall be borne by the applicant for said franchise, and if at said election a majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such term of years as is specified in the ordinance submitting same to said election: *Provided,* that no grant shall be made or authorized for a longer period than fifty years.

Proviso: election on grant of franchise.

Proviso: limit of term.

Election on franchise by order of council.

(2) The city council may also upon its own motion submit all applications or ordinance requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the city of Kinston to an election at which the people of Kinston shall vote upon the proposition therein submitted, the expense of which election shall be paid by the applicant or applicants therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the council. The council may, however, in their discretion, in the ordinance granting any franchise, contract, with said corporation as to terms and conditions upon which such franchise is granted.

Codification and sale of franchises.

(3) It shall be the duty of the city council as soon as practicable after taking office to have true copies of all franchises, permits, ordinances, orders, resolutions or any other proceedings by which any rights, privileges or franchises are granted to any company, corporation or individual owning or operating any gas, oil, street railway, steam railway, interurban, electric light and power, telephone or any other public utility, to have same codified, indexed and printed and offered for sale at cost prices, and all future franchises shall likewise be printed and offered for sale at the cost price.

Franchise subject to conditions.

(4) Any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the city or suburb shall be subject to the condition that the city council shall have the right to grant any other person or corporation desiring to build and operate an interurban railway in the city

the right to operate its cars over the tracks of the said street railway in so far as may be necessary to enter said city and to reach the section thereof used for business purposes: *Provided*, that the person or corporation desiring to operate its cars over the lines of said street railway shall first agree in writing with the owners thereof to pay a reasonable compensation for the use of its tracks and facilities, and if the person or corporation desiring to use same can not agree with the said owner of said street railway as to the compensation within sixty days from offering in writing to do so, and as to terms and conditions of the use of said track and facilities, then the city council shall by resolution, after a fair hearing of the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor which award of the council when so made shall be binding on and observed by the parties concerned.

Proviso:  
compensation.

Terms and  
conditions.

(5) Every corporation holding a franchise or enjoying an easement of any sort through, under or from the city of Kinston shall be required to prepare and file annually with the city council at the same time as report is made to the Corporation Commission a true, full and correct copy of said report. If any person signing such annual report shall willfully make a false representation therein, he shall be guilty of perjury and punished therefor as provided by law. If any corporation required to file said report fails to do so within thirty days after due notice such corporation shall be subject to penalty of fifty dollars (\$50) for each and every day said report is withheld.

Annual reports of  
corporations.

False  
representation  
perjury.

Penalty for failure  
to file report.

SEC. 22. Referendum. Whenever application is made to the city council of the city of Kinston for such grant or franchise, lease or right to use the streets, public highways, thoroughfares or public property of the city of Kinston, as is provided for in the preceding section of this act, or whenever an ordinance is introduced in the city council proposing to make a grant of any franchise, lease or right to use public highways, streets, thoroughfares and public property of the city of Kinston, publication of said ordinance of such proposed grant or right to use the streets, public thoroughfares and highways of said city, shall be made by publishing said ordinance as finally proposed to be passed, which shall not thereafter be changed unless again republished, setting forth in detail all the rights, powers and privileges granted or proposed to be granted in some daily newspaper published in the city of Kinston once a week for four consecutive weeks, which publication shall be made at the expense of the applicant, or the person or persons desiring said grant, and no such grant shall be made or ordinance passed until after publication in the manner aforesaid, nor shall any such ordinance confirming or making any such grant, lease or right to use the streets, public highways or thoroughfares of the city of Kinston take effect or become a law or contract or vest right

Publication of  
proposed  
ordinance.

in the applicant therefor until after the expiration of thirty days after said ordinance has been duly passed by the city council.

Election ordered on petition.

(2) Pending the passage of any such ordinance or during the time intervening between its final passage and the expiration of thirty days before which time it shall not take effect, it is hereby made the duty of said city council to order an election, if requested to do so by written petition signed by at least one-third of the legally qualified voters of said city, at which election the legally qualified voters of said city shall vote for or against the proposed granting as set forth in detail by the ordinance conferring the rights and privileges upon applicants therefor, which ordinance shall be published at length and in full in the call for said election by the mayor, and if at such election the majority of the votes cast shall be for said ordinance and the making of said proposed grant the same shall thereupon become effective, but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and making of said grant, said ordinance shall not pass nor shall it confer any rights, powers or privileges of any kind whatever upon the applicants therefor, and it shall be the duty of said city council after canvassing the vote of said city election, to pass an ordinance repealing the ordinance which has been passed by it, if the same has been passed.

Effect of election.

Ordinance for grant or enlargement of franchise.

(3) No grant or franchise or lease or right of user upon, along, through, under or over the public streets, highways, or public thoroughfares of the city of Kinston shall be made or given, nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the city council, nor shall any extension or enlargement of any rights or powers previously granted to any corporation, person or association of persons, in, upon, along, through or over the streets of the city of Kinston be made except in the manner and subject to all the conditions herein provided for in this act for the making of the original grants and franchises: *Provided, however,* that the provisions of this section shall not apply to the granting of side tracks or switch privileges of railroad companies for the purpose of reaching and affording railroad connections, and switch privileges to the owners or users of any industrial plant, it being the intention to permit the city council to grant such privileges to railroad companies whenever in their judgment the same is expedient, necessary or advisable.

Proviso: side track and switch privileges.

Contracts for service.

SEC. 23. Contracts for service. No contract shall ever be made which binds the city to pay for personal service to be rendered for any stated period of time, but all contracts involving personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city, nor shall the city of Kinston, or any one acting

for it, make any contract for supplies for current use for any department of the municipality for a longer period of time than twelve months, and so far as practicable all supplies purchased for the use of any or all the departments of said city shall be made or let upon competing prices therefor.

Contracts for supplies.

(2) No contract shall be given until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts whenever practicable shall be upon specification and no contract shall be binding upon the city unless it has been signed by the mayor and countersigned by the city clerk and the expense thereof charged to the proper appropriation, and whenever the contract charged for any appropriation equals the amount of said appropriation no further contract shall be signed by said city clerk.

Appropriation for contracts.

Execution of contracts.

(3) All contracts of whatever character pertaining to public improvements or the maintenance of public property of said city involving an outlay of as much as two hundred (\$200) dollars shall be based upon specifications to be prepared and submitted to and approved by the mayor and the city council, and after approval by the mayor and city council advertisement for the proposed work or matters embraced in said proposed contract shall be made inviting competitive bids for the work proposed to be done, which said advertisement shall be put in a daily newspaper published in the said city not less than ten times. All bids submitted shall be sealed, shall be opened by the mayor in the presence of a majority of the aldermen and shall remain on file in the city clerk's office to be opened for public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The council shall determine the most advantageous bid for the city, and shall enter into a contract with the parties submitting the lowest bid, but shall always in every advertisement of public work or contract involving as much as two hundred dollars (\$200) reserve the right to reject any and all bids. Pending the advertisement of work or contract proposed, specification therefor shall be on file in the office of the city clerk subject to the inspection of all parties desiring to bid, provided nothing in this section shall be construed to prohibit said council from having work done by day labor or material purchased under such rules and regulations as said council may by ordinance prescribe.

Contracts based on specifications.

Competitive bids.

Bids sealed.

Award of contract.

Specifications on file for inspection.

Proviso: work done by day labor.

SEC. 24. Elective officers. All powers conferred on the city of Kinston shall, unless otherwise provided in this charter, be exercised by a mayor and six aldermen, two to be elected from the first ward, two to be elected from the second ward, and two to be elected from the third ward, who together shall be known as the city council. The mayor shall be elected by the qualified voters of the city, and the aldermen by the qualified voters of their respective wards, and shall devote as much of their time to the service of the city as shall be necessary for the prompt and efficient administration of

Powers exercised by mayor and aldermen.

Election of mayor and aldermen.

the business affairs of said city. The mayor shall be *ex officio* president of said city council, and shall have and exercise all powers of a member thereof, and the members of said council shall hold office for two years from and after the date of their election, and until their successors shall have been duly elected and qualified.

City council.  
Term of office.

Successors to  
present board.

(2) The mayor and other members of the city council elected under this act and their successors in office shall be held and deemed in law and in fact successors to the present mayor and board of aldermen of the said city of Kinston and upon the qualification of the mayor and other members of the city council all powers, rights and duties of the present mayor and board of aldermen of said city shall cease; and from and after the passage hereof the said city council shall have and exercise all rights, powers and duties of the mayor and board of aldermen of cities and towns as may be conferred by the laws and constitution of this State, and shall have and exercise all the rights, powers and duties conferred upon them or either of them by the terms of this act.

Present officers  
continued.

(3) The present mayor and board of aldermen, attorney and other city officers as composed under the charter of one thousand eight hundred and ninety-nine shall continue to serve until the next city election held as hereinafter provided in this act, and until the qualification of all the officers elected at said election and shall temporarily exercise the powers and be subject to the limitation in this charter contained.

Present mayor to  
order election.

(4) It shall be the duty of the present mayor after this act becomes a law to order an election to be held in the city of Kinston by giving thirty days notice thereof, which election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and eleven, and at which election the mayor and six aldermen, two from each ward, shall be elected as provided for in paragraphs one and two of this section. If for any reason the mayor fails to make said call for said election within twenty days after the first day of March, one thousand nine hundred and eleven, then it shall be the duty of the present board of aldermen by a majority of the vote thereof to issue said call for said election by giving thirty days notice thereof, said election shall be held as provided for herein, and the mayor and the six aldermen so elected at said election shall hold their respective offices until the Tuesday after the first Monday in May, one thousand nine hundred and thirteen, or until their successors are elected and qualified.

Order by  
aldermen on  
default of mayor.

City elections.

(5) On Tuesday after the first Monday in May, one thousand nine hundred and thirteen and in each second year thereafter, the city council shall cause to be held in the city of Kinston an election for mayor and six aldermen as provided for in paragraphs one and two of this section, who shall perform the duties and discharge the obligations conferred and imposed by the provision of this act, and who shall hold their respective offices for two years or until their successors are elected and qualify.

(6) That there shall be established and arranged one voting place with a distinct set of election officers, ballot boxes and registration books: *Provided*, that each qualified voter of the city of Kinston shall be permitted to vote for mayor, and two aldermen from the ward in which he lives.

Voting place.

(7) The city council shall make all necessary regulations concerning election, manner and method of holding same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping with and consistent with the provisions of the State law applicable to elections in municipalities in so far as same may be practicable, and the city council shall provide for the examination and counting of the returns of the elections, declarations of results thereof and issuance of proper certificates to successful candidates. The mayor and each of said aldermen within ten days after the official announcement of his election shall qualify as required by this charter and the constitution and laws of the State, and failing to do so his office shall become vacant.

Regulation of election.

Mayor and aldermen to qualify.

Failure to work vacancy.

(8) Each member of the city council in addition to the other qualifications described by law shall be at the date of his election a qualified voter of the city of Kinston, and shall not be in arrears in the payment of taxes and other liabilities due the city, and shall have been for three years immediately preceding such election a citizen of the city of Kinston.

Qualifications for commissioners.

(9) The mayor shall be a member of the city council with all rights of powers and duties appertaining thereto. He shall be the chief executive officer of the city, and shall see that all the laws thereof are enforced. It shall be his special duty to see that the conditions of all franchises granted by the city are faithfully complied with and that all contracts made with the city are faithfully executed. That the court of the mayor of said city of Kinston is hereby constituted an inferior court, and as such shall in all criminal cases committed within the corporate limits of the city of Kinston have all the powers, jurisdiction and authority of a justice of the peace, and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the city; to enforce penalties by issuing executions upon any adjudged violation thereof and to execute the by-laws, ordinances, rules and regulations made or passed by the city council of the city. The mayor's court shall further be a special court within the corporate limits of the city, to arrest and try all persons who may be charged with a misdemeanor for violating any by-law, ordinance, rule or regulation of the city; and if the accused be found guilty, he shall be fined at the discretion of the court or mayor, not exceeding the amount specified in the by-law, ordinance, rule or regulation so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty (30) days in the city lockup, or in the common jail of the county of Lenoir. And

Powers and duty of mayor.

Inferior court. Jurisdiction.

Special court.

Jurisdiction.

- Sentences. that in all cases where a defendant may be adjudged to be imprisoned by the said court or mayor, it shall be competent for the said court or mayor to adjudge also that the said defendant work during the period of his confinement on the public streets or other public works of said city, or the mayor shall have the power and authority to hire the defendant on conviction to the county commissioners of Lenoir County to work on the public roads of the said county. That the mayor may issue his precepts to the chief of police or any policeman of the city, and to such other officers to whom a justice of the peace may direct his precepts, and no preliminary affidavit shall be necessary to give the mayor final jurisdiction over offenses against the by-laws, ordinances, rules, regulations of said city. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgment rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the courts of Lenoir County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Lenoir.
- Precepts.
- Minute of precepts.  
Force of judgments.
- Mayor pro tem. (10) In case of the death, absence, resignation or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur, the mayor *pro tem.* shall act as mayor, and shall possess all the rights and powers of mayor and perform all the duties and receive his salary under the official title, however, as mayor *pro tem.* until the election is ordered by the city council to fill the vacancy in the office of mayor, said election, should a vacancy occur in the office of mayor, shall be called by the city council and held within thirty days thereafter, and due notice by publication be given for at least thirty days as may be required by law: *Provided*, that in the event such vacancy should occur within ninety days of the next regular election to be held for members of the city council, said election of mayor shall be held at the next regular election.
- Election to fill vacancy.
- Proviso: vacancy within 90 days of end of term.
- Power to remove mayor. (11) In case of misconduct, inability or willful neglect of the performance of the duties of his office, the mayor may be removed from office by the city council by a majority of the votes of all the aldermen elected, but he shall be given an opportunity to be heard in his defense in person or by counsel, and shall have the right to have process issued to compel the attendance of witness who shall be required to give testimony if he so elects; the hearing in case of the impeachment of mayor shall be public and a full and complete statement for the reason of such removal, if he be removed, together with the findings of fact, as made by the council, shall be filed by the city council in the public archives of the city, and shall be and become a matter of public record.
- Right of hearing.
- Hearing.
- Recommendations and report of mayor. (12) It shall be the duty of the mayor from time to time to make such recommendation to the city council as he may deem to be for

the welfare of the city, and at the regular meeting in July of each year, or as soon thereafter as practicable, submit to the city council the annual budget or estimate of the receipts and expenses of the city for the fiscal year, each item in which may be increased, reduced or admitted, by the council, by a majority of the members of the council present at such meeting. The mayor shall also make such recommendation to the city council concerning the increase or decrease of departmental estimates as in his judgment may best serve the interest of the city. He shall also submit an estimate for a special contingent fund for the current year. The current year shall begin on the first day of May of each year and close the last day of April next ensuing thereafter.

(13) No member of the city council shall hold any other public office in said city or hold any office or employment compensation for which is paid out of the city moneys nor be elected or appointed to any office created by or the compensation of which was increased or fixed by the city council while he was a member thereof until after the expiration of at least one year after he has ceased to be a member of the city council: *Provided*, that a member of the city council may hold the office of city treasurer. Nor shall any member of the city council or any other officer of the city of Kinston be pecuniarily interested directly or indirectly in any contract let by the city or board of school trustees of the Kinston graded schools of any work done by the city or board of school trustees of the Kinston graded school district, nor in any matter where the rights or liabilities of the city of Kinston are, or may be involved. In the event any such officer of the city of Kinston shall become interested directly or indirectly in any contract or work, purchase or sale, made by the city of Kinston then said contract or work, purchase or sale shall become null and void, and shall be discontinued and new arrangements shall be entered into as in case of the incompetency of the contract or work, purchase or sale. Any member of the city council or any officer or employee of the city becoming interested directly or indirectly as aforesaid in any contract, work, purchase or sale by or with the agency aforesaid shall forfeit all right or claim to the title or emoluments of any office which he may hold in said city and shall be expelled therefrom by the mayor or city council or if they shall fail to remove said officer, employee, or member of city council guilty as aforesaid, he shall nevertheless be subject to removal upon the action of any five citizens taken to superior court of Lenoir County in such proceeding as is appropriate and proper, and shall in addition be guilty of a misdemeanor or felony as the case may be, as is or may be provided in the penal statutes of the State of North Carolina.

Councilmen not to hold other offices.

Proviso: city treasurer. Officers not to contract with city.

Contracts made void.

Forfeit of office.

Removal by court.

Misdemeanor or felony.

(14) A majority of the members of the council shall constitute a quorum to do business and shall sit with open doors and shall keep a journal of its own proceeding which shall be public and con-

Quorum.  
Meetings open.  
Journals public.

Ordinances, resolutions and motions.

Ayes and nays taken and recorded.

Ordinances and resolutions to lie over.

Emergencies.

Proviso: grants of franchise or privilege.

Commissioner of finance and revenue.

Mayor pro tem.

Duties.

Police and fire commissioner.

Duties.

Commissioner of streets.

Duties.

Cemetery commissioner.

Duties.

Electric light, waterworks and sewerage commissioner.

Duties.

stitute one of the archives of the city. The council shall act only by ordinance, resolution or motion, and by ordinances, resolutions or motions, excepting ordinances making appropriations shall be confined to one subject which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of the appropriations. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of its proceedings, and every ordinance, resolution or motion shall require on final passage the affirmative vote of the majority of all the members of the city council. No ordinance or resolution shall be passed finally on the date of its introduction, except in the case of public emergencies, and then only when requested by the mayor in writing: *Provided*, that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

(15) The mayor at the first meeting of the city council after election of its members, or as soon thereafter as may be practicable shall appoint among its members one alderman who shall be known as "commissioner of finance and revenue," who shall also be mayor *pro tem*. and who shall have under his special charge the enforcement of all the laws for the assessment of taxes of every kind and the collection of all revenues belonging to said city, from whatever source same may be derived, and who shall also examine into and keep informed as to the finances of said city. One alderman who shall be known as police and fire commissioner, who shall have under his special charge the enforcement of all police regulations of said city, and the general enforcement of all police regulations of said city, and the general supervision of the fire department thereof. One alderman to be known as the "commissioner of streets," who shall have under his special charge the supervision of the streets and alleys of the city and be charged with the duty of keeping the streets and alleys in a clean and sanitary condition and with the enforcement of all rules and regulations necessary to these ends, and who shall have under his special charge improvements except as herein otherwise provided, and shall see that all contracts therefor are faithfully complied with. One alderman to be known as "cemetery commissioner" who shall have under his special charge the supervision of the cemeteries and be charged with the keeping of same in a clean and sanitary condition and with the enforcement of all rules and regulations necessary to these ends, and who shall also have under his special charge the supervision of all cemetery improvements or extensions, and who shall see that all contracts therefor are faithfully complied with. One alderman to be known as the "electric light, waterworks and sewerage commissioner," who shall have under his special charge the construction, maintenance, and operation of the waterworks, sewerage system and departments of said city and the general supervision of lighting the streets, elec-

- tric light plant, gas plant, and any other mode of lighting the city, and all electric wiring, insulation of wires, erecting of poles, laying of gas pipes and shall see to the enforcement of all regulations with respect to said departments and with respect to all the revenues pertaining thereto. One alderman to be known as the "sanitary commissioner," who shall have under his special charge the enforcement of all regulations with respect to all the revenues pertaining thereto. One alderman to be known as the "sanitary commissioner," who shall have under his special charge the enforcement of all police regulations of said city pertaining to health and sanitation and the general supervision of the sanitary department. Said commissioners shall perform all the executive duties of their respective departments to which they may be assigned as above provided, but said council as a whole shall have supervision of and be responsible for the administration of each of said departments. The salary of the mayor shall be \$400 per year, payable in monthly installments, and each of said aldermen shall receive not to exceed \$100 per year for service as alderman and departmental commissioner. That the mayor besides his salary shall be entitled to the same fees as justices of the peace on all process or precepts insured by him. The police or constable shall be entitled to the same fees for executing process as the sheriffs or constables of the counties.
- (16) The city council shall require a statement to be published monthly in the official newspaper of the city, showing a full, clear and complete statement of all taxes and other revenues collected and expended during the preceding months, indicating the respective source from which money was derived and disposition made thereof, and showing all disbursements during said period.
- (17) Before entering upon the duties of their office the mayor and each member of the city council shall take the oath prescribed by the Constitution of the State, and take oath also that he is not under direct or indirect obligation to appoint or elect any person to any office, position or employment under said government.
- (18) The city council shall be vested with the power and charged with the duty of adopting all laws and ordinances not inconsistent with the Constitution and laws of the State touching every object, matter and subject within the purview of the local government instituted in this act.
- (19) The city council shall have control and supervision over all the departments of the city except as herein otherwise provided, and to that end shall have power to make and enforce such rules and regulations as they may see fit and proper for and becoming the organization, management and operation of all departments of the city and whatever agencies may be created by the administrations of its affairs. They shall have the power to create such officers as they may deem necessary for a prudent and successful administration of the affairs of the city and to fix the salaries of the
- Sanitary commissioner. Duties.
- Executive duties.
- Supervision of council.
- Salary of mayor.
- Salaries of aldermen.
- Fees of mayor.
- Of policemen.
- Statements published monthly.
- Oaths of mayor and aldermen.
- Legislative powers.
- Control and supervision of departments.
- Power to create offices and fix salaries.

- Proviso: limit of term. persons appointed thereto: *Provided*, that the terms of any such office created by them shall never exceed the period of one year, and they shall have the power to abolish at any time any such office and to terminate their official duties and relations of the persons occupying same. All offices created by the city council shall be filled by a majority of the vote of all the members of the said council. In the event any such office shall not be filled promptly by the council it shall be the duty of the mayor to make a temporary appointment of an officer *pro tem.* to discharge the duty of said position until one shall be elected by said council. Each member of the council shall have the right to propose and name employees in the department or departments under his immediate supervision, but a majority of the council shall have the power to reject any such proposal and to discharge any officer or employee of the city.
- Employees of departments. All salaries and wages to be paid employees of the city except as otherwise provided herein shall be fixed and paid by the council acting as a whole and shall not become effective until at least four members of the council shall vote therefor.
- Salaries and wages. (20) The city council shall meet at least once every month in regular meeting at such time as shall be fixed by said council at the city hall in the said city to consider and take under advisement and act upon such business as may come before them. A majority of the said council shall constitute a quorum, and no ordinance shall be passed or become effective without receiving the votes of at least three members of said council. No final action shall be taken in any matter concerning the special department of any absent alderman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at regular meeting of the council. Special meetings may be called by the mayor or by any two members of the council at any time to consider only such matters as shall be mentioned in the call of said meeting and written notice thereof shall be given to each member of said council. All sessions of said council, whether regular or called, shall be opened to the public.
- Regular meetings. A majority of the said council shall constitute a quorum, and no ordinance shall be passed or become effective without receiving the votes of at least three members of said council. No final action shall be taken in any matter concerning the special department of any absent alderman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at regular meeting of the council. Special meetings may be called by the mayor or by any two members of the council at any time to consider only such matters as shall be mentioned in the call of said meeting and written notice thereof shall be given to each member of said council. All sessions of said council, whether regular or called, shall be opened to the public.
- Quorum. (21) It shall be the duty of the city council at the first meeting in July or so soon thereafter as practicable to appropriate such sums of money respectively to each of the various departments of the city government as it may deem necessary for the maintenance and operation thereof during the current year. In addition to the departmental appropriations herein provided for the council shall also make such appropriations for contingent purposes as may be deemed necessary.
- Final order. (22) The heads of the department created by the city council shall make a written report to the mayor not later than the fifteenth day of April, each and every year showing the operation of such department of the preceding year. These reports shall be transmitted to the mayor and shall accompany and be made a part of
- Special meetings. Sessions open to public. Appropriations. Reports of heads of departments. Mayor's report.

the mayor's report to the city council which report shall not be made later than the fifteenth day of May in each year.

(23) In making up the budget allowance for any current year Budget.

the city council shall first make provisions for the payment of the interest, the creation, setting aside and preservation of the legal sinking fund upon any or all of the outstanding indebtedness of the city, and making provisions for maintenance of the public school system as provided for in chapter ninety-six, Public Laws of North Carolina of one thousand eight hundred and ninety-nine, and shall then make such appropriations as the revenues of the city may justify to be appropriated for the public use and to the city council may seem best: *Provided, however,* that in no case shall the entire appropriation so made comprehending interest and sinking fund on the bonded debt and appropriations for all other public uses and purposes ever exceed the estimated available resources which shall be based upon the probable revenue of the city derived from *ad valorem* taxes upon the basis of the total valuation of the property listed for taxation for the preceding year and of such other contingent revenues of the city as will probably accrue. It shall be deemed a malfeasance for the city council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenue of any current fiscal year.

Proviso: limit of appropriations.

Malfeasance.

(24) The city council shall have the power from time to time to require further and other duties of all officers whose duties are herein described and to define and prescribe powers and duties of all officers elected to any office under this act whose duties are not herein especially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said city by any or all officers for the faithful performance of their duties and shall require new bond from any officer whenever in the judgment of the said council the existing bond is insufficient and whenever said new bond is required he shall perform no official act until said bond be given and approved. The city council shall provide for the filling of vacancies in all offices not herein provided for and in all cases of vacancies that same shall be filled only for the unexpired time.

Duties of officers.

Bonds.

Vacancies.

(25) The city council at its first meeting in July of each year or as soon thereafter as practicable shall levy the annual tax for such year, but such taxes or assessments allowed by this charter may be levied, assessed and collected at such time as the council in such case may prescribe. The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under this charter, and are hereby authorized and to that end may and shall have the full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary for the levying, laying, imposing

Levy and collection of taxes.

## Assessments.

and assessing and collecting of any taxes provided for in this charter. Unless otherwise provided for by this act and by ordinances passed thereunder all property in such city liable to taxes shall be assessed in accordance with the provisions of the general laws of the State in so far as applicable.

## Management and control of finances.

(26) The city council shall have management and control of the finances of the city except as otherwise herein provided. They shall have the power to appropriate money and to provide for the payment of debts and expenses of the city and provide by ordinances special funds for such purposes provided under the provisions of this charter and to make the same disbursable only for said purpose and to impose proper penalties for enforcing the same. To provide by ordinance for the payment of any bonds which may from time to time be issued. The said council shall also have the power to fund or refund by ordinance the whole or any part of the debt of the city or any future debt by acquiring and canceling the evidences thereof and to issue other bonds in lieu thereof, either registered or coupon, bearing interest at a rate not greater than the original indebtedness and to this end may acquire the sinking fund belonging to any series of bond so refunded and may pay or retire any bond by using the sinking fund thereof.

## Employment by franchise holders forbidden.

(27) Neither the mayor nor any member of the council nor any elected or appointed employee of the city shall be directly or indirectly in the employ of any person, company or corporation holding or seeking to hold any franchise of the city of Kinston, or shall receive directly or indirectly any wage, commission, fee, gift, favor or pay from any such franchise holder, and a violation of this section shall *ipso facto* render vacant the position held by the person so violating it and shall be punished as bribery. No member of the council or board of school trustees or any other officer of the city shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid out of the city treasury or by assessment levied by ordinance or resolution of the city council, nor be the surety of any person having any contract, work, or business with the city for the purpose of which security may be required; nor be the surety on the official bond of any officer of the city. Contract in violation shall be void, and no member of the board of school trustees shall be at any time during his term of office directly or indirectly interested or in the employ of any school book publisher or furniture company or concern.

## Forfeit and punishment.

## Interest in contracts forbidden.

## Government and order of business.

(28) The city council shall by ordinance adopt such rules and regulations for its government and order of business as its members may deem best. It shall be the judge of the qualification and election of its members, including the mayor, and shall have authority to recount the votes for either of its members and to correct the result which may have been heretofore declared, and in the event notice of a contest of such election shall be given within thirty days

after such election shall have been held. It shall also be the judge of the election and qualification of all other city officers subject to the provision of this act applying thereto.

It may punish members or other persons during its sittings by fine for disorderly conduct.

(29) Each alderman and the city clerk shall be and they are hereby authorized to administer oaths in municipal affairs and government of the city. Power to administer oaths.

(30) If a vacancy shall occur in the city council (excepting the mayor) or in the office of the city attorney or city clerk, the council shall elect a person to fill the unexpired term of such officer. In the event of a vacancy in the office of the city attorney or city clerk which shall not be promptly filled as above provided it shall be the duty of the mayor to appoint an officer *pro tem.* to perform the duties of such vacated office, which said *pro tem.* officer shall be entitled to receive the regular salary for said services for the time he shall perform them, and shall serve in said capacity until said office shall be filled in accordance with this act. Vacancies.

SEC. 25. Other officers and their duties. At the first meeting of the city council after their qualification, or as soon thereafter as possible, the city council shall elect by a majority vote the following officers, to wit: a city clerk, an attorney, assessor, collector of taxes, treasurer, chief of police, engineer, superintendent of electric light, waterworks and sewerage, chief of the fire department, and if deemed necessary by the council a health physician. Officers elected by council.

(2) It shall be the duty of the city clerk to attend every meeting of the council and keep the minutes and record of all proceedings in a well bound book kept for that purpose, and he shall perform such other duties as may be required of him by said council, and shall receive such salary as may be fixed by the council. He shall give bond for the faithful performance of his duty in such sum as may be approved by the mayor and commissioner of finance and revenue. It shall be the duty of the city clerk to keep the books of account of the city of Kinston, and to make such financial reports and statements as are provided by the terms of this act. His books of account shall exhibit accurate and detailed statements of all moneys received and expended for account of the city by all city officials and other persons and shall show in detail the property owned by the city and the income derived therefrom. He shall also keep separate accounts of each and every appropriation made by the city council showing the date thereof and the purpose for which the same was made and shall show for what each payment of any public money is made and to whom same is paid. He shall keep a separate account with each department of the city government, and also such other accounts as may be necessary to show a complete financial statement of the city, and he shall be prepared at every regular meeting of the city council to give such Duty of city clerk. Salary. Bond.

## Warrants.

information concerning the finances of the city as the council may require. All warrants or orders for the payment of any public funds or moneys for any purpose shall be signed with the city clerk and the mayor. No warrant not signed by the city clerk shall be authority for the payment of any public fund whatever, but the city clerk shall in no instance, unless the money is in the treasury, and the fund against which it is drawn sign any warrant or order for the payment of any sum or amount for any purpose: *Provided, however,* that nothing herein contained shall prevent the issue and sale of warrants to anticipate a current revenue for any one year, which said warrant shall bear such rate of interest not exceeding six per cent as the city council may by ordinance prescribe. He shall not sign any contract nor make or execute any warrant or order for the payment of any sum of money unless the same be legal, and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor. He shall, when deemed necessary, require all accounts surrendered to him for payment to be certified to by affidavit, and he is hereby authorized to administer oaths with authority to compel and require persons to answer such questions as may be propounded to him touching the correctness of any accounts or claims against the city. He shall require all persons who shall have received any money belonging to the city and not having accounted therefor to settle their accounts, and it is hereby made his duty from time to time to require all persons receiving money or having the disposition or management of any property of the city, of which an account is kept in his office, to render statement thereof to him: *Provided,* that no warrant or order shall ever be issued in favor of any person or corporation or to the assignee or agent of any person indebted in any manner for taxes or otherwise to the city, unless such debt so due and owing to the city be paid. No disbursing officer of the city nor any one having money in his possession for the account of the city shall pay the same to any person or persons other than to the regularly designated officer or custodian of the public funds of the city, except upon the draft or warrant signed by the mayor and the city clerk of the city of Kingston, and the city clerk shall not sign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized and an appropriation therefor duly made, and that the appropriation has not been exhausted.

Proviso: warrants anticipating revenue.

Proviso: warrants not issued to persons in debt to city.

## Bond of treasurer.

(3) The treasurer shall give such bond as the city council may require, approved by the mayor and the commissioner of finance and revenue, said bond conditioned for the faithful discharge of his

## Duties.

duties. He shall receive and securely keep all moneys belonging to the city and make all payment for the same only by warrants drawn by the city clerk and signed by the mayor. All moneys belonging

to the city and received by any officer or agent thereof either from collection of fines, or any other source whatsoever, shall be by him deposited with the city clerk, who shall deposit the same with the treasurer daily. For all moneys received the treasurer shall give receipts in all cases. All persons charged with the collection of any money under this act or ordinance passed in pursuance thereof shall promptly pay the same over to the city clerk under such penalty as may be prescribed by ordinances. The treasurer shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in each month and at such other times as any member of the council may require upon three days notice. The said treasurer shall make daily deposits of such sums of money as shall be received by him from all sources of revenue whatsoever to his credit as treasurer of said city in one or more banks situated in said city to be selected by the council. The said city council in the selection of any such depository bank shall take into consideration the reputation and solvency thereof and sufficiency of the security offered by such bank. All interest paid by any bank upon any balance so deposited shall be collected by the city clerk and deposited with the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be treated as part of the general fund of such city subject to use for any legitimate municipal purpose. The said treasurer shall do and perform such other acts as the city council may require of him, and for all such service shall receive such salary as may be fixed by the council.

Statements.

Deposits.

(4) The city attorney shall receive such salary as shall be fixed by the city council at the beginning of his term and said compensation shall not be increased or diminished during his term of office. He shall represent the city in all litigation and controversies and when requested by the city council or any member thereof he shall in writing give legal advice on all questions that may be referred to him. It shall also be the duty of the city attorney to draft all proposed ordinances granting franchises and in the event he shall not approve any such proposed ordinance it shall be his duty to file with the city council in writing his objections thereto. It shall be the duty of the said officer to inspect and pass upon all papers, contracts and other instruments in which the city may be interested. He shall be the legal adviser of the mayor, the city council or any other committee thereof and all city officers or employees with respect to any legal question involving an official duty or any other matters pertaining to the affairs of the city of Kinston. The city attorney shall perform such other duties as the council may direct.

Salary of city attorney.

Duties.

(5) The police officers shall give bond in such sum as the city council may prescribe for the faithful discharge of the duties of their office, and for the faithful account of all money that may come into their hands from fines, penalties and otherwise by virtue of

Police officers to give bond.

Duties.

Powers.

Further enumeration of duties and powers.

these offices. It shall be their duty to report any violation of laws or ordinance in the city, and they shall promptly and faithfully execute all writs and processes issued from the mayor's court. They shall have like power with the sheriff of the county to execute the writ of search warrant. They shall be active in quelling riots, disorder and disturbances of the peace within the limits of the said city, and shall take into custody all persons so offending against the public peace, and shall have authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within the jurisdiction of said court, and it shall be their duty to arrest all persons who shall obstruct or interfere with them in the execution of the duties of their offices, or who shall be guilty of disorderly conduct or any disturbance whatever; to prevent breach of peace or preserve quiet and good order. They shall have authority to close any ball room, drinking house or any other place or building or public resort and in the prevention and suppression of crime and the arrest of offenders within the city, they shall have, possess and execute like power, authority and jurisdiction of the sheriff of Lenoir County. They shall perform such other duties and possess such other powers, rights and authority in addition to those herein provided as the city council may require and confer upon them not inconsistent with the Constitution and laws of the State of North Carolina and the provisions of this act.

Salaries and fees.

The salaries of all police officers shall be fixed by the city council, and in addition to the salaries so fixed each policeman shall have the same fees of all processes and the precepts executed or returned by them which may be allowed to the sheriff of the county in like process and precept.

Duty and powers of chief of fire department.

(6) The chief of the fire department shall be charged with the duty of superintendent and directing the extinguishing of fire, preservation and safe keeping of all fire engines, hose and other apparatus used in connection therewith. He shall have the power, and it is hereby made his duty to keep away from the vicinity of any fire all idle, disorderly and suspicious persons and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger and in preventing goods from being stolen and generally to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said city council deemed expedient.

Duty of city engineer.

(7) The engineer of said city shall be a professional engineer, and it shall be his duty to ascertain the established monuments of said city and from them to extend surveys thereof and to establish others, and to locate and establish and survey all private property, streets and alleys within the corporate limits of said city as defined in section two of this act when so called on or required to so do. He shall also maintain the grade of all streets and alleys in said city, make estimates and plans, give instructions

as to grading or otherwise improving the same and inspect the construction of sidewalks so as to secure and preserve the proper proportions and uniformity in the height and width thereof when called on or required so to do by the city council. He shall also have and exercise the general supervision over and construction of all railways which may at any time be constructed through the streets of said city requiring them to conform to the established grade so as not to impede the use and passage of said streets. He shall receive for his services such fees as the council may by ordinance prescribe. For making surveys and fixing boundaries of private property or other work for which fees shall be paid by the owners of such private property or other persons as may be directed by the council, but in no event shall the fees for making surveys and fixing boundaries of private property be charged against or collected of the city for any such work done by said engineer. Fees.

(8) The superintendent of waterworks, sewerage and electric lights shall have charge of the city waterworks, sewerage and electric light systems and all property connected therewith. He shall inspect all parts of said waterworks, sewerage and electric light systems and see that they are maintained in good condition for use, and are being properly cared for, and that all employees of the waterworks, sewerage and electric light department are attending to their respective duties. He shall keep in good repair pumps, hydrants, pole line and all machinery or other waterworks, sewerage and electric light fixtures and property and be under the direction and orders of the council. He shall also employ all such laborers as may be necessary in said departments. He shall inspect all water and sewerage plumbing and all electric construction work, and shall have supervision over the same. He shall have authority to enter all premises and inspect such connections and enforce all regulations of the council concerning same, and shall perform all such other duties as the city council may prescribe by ordinance or resolution. The salary of the superintendent of waterworks, sewerage and electric lights shall be fixed by the city council, payable monthly. Duties of superintendent of waterworks, sewerage and electric lights. Salary.

(9) The city clerk shall on or before the fifteenth day of April in each year prepare and submit to the city council a report of the financial transactions of the city during the fiscal year ending the last day of March next preceding and of its financial condition on the said last day of March. The report shall contain an actual statement of the financial receipts of the city from all sources and the expenditures of the city for all purposes together with a detailed statement of the debt of said city and the purpose for which said debt was incurred. In addition to the annual statement herein required and of the reports which may be demanded by the council at any time it is especially made the duty of the city clerk to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate state- Annual financial report.

ment of the financial affairs of the city of Kinston, and if any officer of any department or any employee of the city shall fail to make such stated or stipulated report as and at the times required whether by the mayor or the city council it shall be the duty of the city clerk to report such delinquency or failure to the mayor.

Tax levy.

SEC. 26. Taxation. The city council shall have the power, and it is hereby authorized to levy annually for general purposes, and for the purpose of paying the interest and providing the sinking fund on the outstanding bonded indebtedness of the city of Kinston and for paying interest and making provisions for the sinking fund on such future bond issues as may be authorized an *ad valorem* tax on real or personal property within the corporate limits of said city as defined in section two of this act, and on all personal property owned by residents of said city including money on hand, solvent credits and upon all franchises granted to the city to individuals or corporation and upon all other subjects taxed by the General Assembly a tax of not exceeding one dollar on every one hundred dollars appraised valuation of said property: *Provided, however,* that public property used for public purposes, actual places for religious worship, places for burial not held for private or corporate profit, all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools) and institutions of purely public charity are hereby declared to be exempt from taxes: and *Provided, further,* that twenty-five dollars (\$25) worth of household and kitchen furniture belonging to each family in said city shall likewise be exempt from taxation. The city council may also levy, assess and collect from each male citizen of the city from the ages of twenty-one to fifty years an annual poll tax of not exceeding two dollars: *Provided, however,* that all persons exempt from the payment of State poll tax under the general laws of the State or by virtue of the Constitution shall be exempt from the payment of the city poll tax. If for any cause the city council shall fail or neglect to pass a tax ordinance for any one year levying taxes for that year, then and in that event the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the city council failed to pass the tax levying ordinance, and the failure so to pass such ordinance for one year shall in no wise invalidate the collection of the tax for that year.

Limit of rate.

Proviso: property exempted.

Poll tax.

Proviso: exemptions.

Advertisement for listing tax.

Tax lists.

(2) The assessor and collector on the second day of May of each and every year shall make advertisement in some newspaper published in the city, notifying all persons who own or have control of property liable to taxation by the city on the first day of June to return to him on or before the twentieth day of June a list of their assessed taxable property. Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the

ordinances of the city, and the list so returned to the assessor and collector of taxes shall be sworn to before him in every case, and he is hereby authorized to administer the same oath as is administered by the list taker or assessor of taxes for the State of North Carolina and county of Lenoir. From the return so made the assessor and collector of taxes shall within thirty days after the expiration of the term of taking said list make out in a book kept for that purpose an alphabetical list of all persons and owners of property who have so made their returns in the same manner as tax lists are made out by law for the collection of State taxes, and the assessor and collector of taxes shall copy in said book the assessment made by the board of township assessors of all property within the city limits which assessment may be revised, corrected or amended by the city council.

(3) The assessor and collector of taxes shall within thirty days from the return of the tax list made out to the best of his knowledge and belief by comparing his books with the returns made by the board of township assessors and by diligent inquiry from other sources list all taxable polls and owners of all taxable property in said city who shall have failed to return a list in the manner and time aforesaid, and said persons so listing shall forfeit and pay the sum taxed by the council not exceeding twice the amount of his tax, which penalty may be recovered as other fines and penalties imposed by the city council before the mayor or any justice of the peace.

(4) As soon as the assessor and collector of taxes shall have furnished the assessment roll as provided and the same shall have been revised by the board of appraisement the city council shall proceed to levy the taxes on such subjects of taxation as they may choose and shall place a tax list in the hands of the assessors and collector of taxes for collection who shall proceed forthwith in the collection and shall complete the same on or before the first day of February next ensuing, and shall pay the moneys as they are collected to the treasurer, and the assessor and collector shall receive for his compensation not exceeding two per cent on the amount collected.

(5) If any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the assessor and collector shall proceed forthwith to collect same by distress and sale after public advertisement for a space of ten days in some newspaper published in the city, if the property to be sold be personal property and of thirty days if the property be realty. That when the tax due on any lot or other land (which is hereby declared to be in lieu of same) shall remain unpaid on the first day of April, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to

Tax books.

Assessments.

List of delinquents.

Double tax on delinquents.

Levy of tax.

Collection.

Commission.

Collection by distress.

Sale of real estate for tax.

the council together with a particular description of the real estate, and thereupon the council shall direct the same to be sold at the city hall or court-house door by the assessor and collector, after advertising for thirty days in some newspaper published in the city, which the assessor and collector shall do; and the assessor and collector shall divide said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as many parts as may be required to pay said taxes and all expenses attendant therein. If the same can not be conveniently divided, the assessor and collector shall sell the whole, and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to said city in fee.

Land struck off to city.

Return of proceedings.

(6) The assessor and collector shall return an account of his proceedings to the council specifying the portions into which the land was divided and the purchaser, or purchasers thereof, and the prices of each, which shall be entered on the back of the proceedings of the council, and if there be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the hands of the city treasurer subject to the demand of the owner.

Time for redemption.

(7) The owners of any land sold under the provisions of this charter, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty per cent per annum on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds, less double the amount of taxes. If the real estate sold as aforesaid shall not be redeemed within the time specified the city shall convey the same in fee to the purchaser or his assigns by a deed signed by the assessor and collector of taxes, attested by the city treasurer and with the corporate seal attached, and the recitals in such conveyances shall be prima facie evidence of the following facts: (1) That the lot or lots of property conveyed was or were subject to taxation and assessment at the time of such sale and at the time taxes thereof were levied and assessed, and that such taxes were regularly levied and assessed in all respects according to law. (2) That such taxes were not paid in whole or in part at any time before such sale, and that a lien existed on the property conveyed in such deeds for taxes. (3) That the real estate conveyed therein was advertised according to law. (4) That the property conveyed was advertised according to law, was regularly and lawfully sold for taxes, which were delinquent at the time of advertisement and sale. (5) When such property shall have been sold to the city of Kinston or any other purchaser at such sale, either for general or special taxes, the title acquired by the city or such purchaser shall not be disputed by any person whomsoever, or for any cause whatever except upon tender to the city or purchaser of the taxes lawfully due on such property for which said sale was made, together

Deed for land not redeemed.

Recitals prima facie evidence.

with all accrued penalties and cost as provided by this charter. A sale of personal property for delinquent taxes shall convey with it an absolute title and the owner shall have no right to redeem the same.

(8) In addition to subjects listed for taxation the city council may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the assessor and collector immediately, and if the same be not paid on demand the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith levied upon and sold to satisfy the same. Upon all itinerant merchants or peddlers selling or offering to sell in the city a tax not exceeding two hundred dollars per year except such as only sell books, charts or maps and such as sell only goods, wares and merchandise or other production of the growth or manufacture of this State, but not exceeding venders of medicine by whomsoever manufactured; on every bowling alley, every billiard table, every bagatelle table, every pool table and every table of gambling contrivance, the object of which is game and for the use of which a charge is made, a tax not exceeding two hundred dollars, reserving the right to remove it or them at any time as a nuisance; on all keepers of eating house or restaurants, fish or meat, vegetable or bread stands, or fruiterers a tax not exceeding one hundred dollars per annum; upon every company of circus riders who shall exhibit within the city or within one mile thereof a tax not exceeding two hundred dollars for each day, the tax to be paid before the exhibition, and if not to be doubled; upon every person or company exhibiting within the city or within one mile thereof stage or theatrical plays, sleight-of-hand performers, rope walkers, tumblers, wire dancing or menagerie a tax not exceeding one hundred dollars for every day they exhibit; upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city or within one mile thereof, a tax not exceeding fifty dollars, to be paid in advance, upon each show or exhibition of any other kind, and on each concert for reward and on every strolling musician a tax not exceeding twenty dollars, to be paid before exhibiting; on every dray or express wagon drawn by one or two horses a tax not exceeding twenty dollars; on every two-horse omnibus a tax not exceeding twenty dollars; on carriages, buggies, sulkeys and other vehicles used in the city for the carriage of persons a tax not exceeding fifteen dollars; on every dog a tax not exceeding five dollars: *Provided*, that a discrimination may be made within the limits on the different species and sexes of dogs.

(9) That taxes for city purposes shall be levied on all real and personal property, trades, professions, franchises, licenses and other subjects of taxation, as provided in section three, article five, of the State Constitution, and all moneys arising from taxes, dona-

License taxes.

Detail of subjects and tax.

Subjects of taxation.

Graduation of license tax.	<p>tions or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a majority vote of the city council; the city council shall have the power to graduate any of the license taxes levied on trades or business by dividing the business into two classes according to size, patronage or income: <i>Provided</i>, the said taxes must be uniform for all in a class. Any person carrying or practicing any business, profession, trade or avocation of any kind in the city upon which a license tax has been levied by the city council without first having obtained a license therefor, shall be guilty of a misdemeanor. It shall be the duty of the city council in their levy of taxes to make provision for paying the interest on the bonded debt of the city and for the payment of said bonds as they fall due.</p>
Proviso: tax uniform as to class. Doing business without license misdemeanor.	
Tax for interest and bonds.	
Board of appraisement.	<p>SEC. 27. Board of Appraisement. The city council, at their meeting prior to the month of August, may at their discretion appoint a board of appraisement or equalization for said city, with power to administer oaths, composed of two members of said council and the assessor and collector of taxes, whose duty it shall be to meet and carefully examine said tax lists and property and equitably adjust and equalize the taxable values thereon, either by reducing or increasing the assessment for taxation of any property listed thereon, or by supplying omissions therefrom, or by amending same in any other proper form and just manner; said corrected or amended list, however, to be used as a basis only for municipal taxation, and the original or uncorrected list to be used for taxation for county and State purposes, without change except provided by the State revenue law, until the next general assessment of property for taxation for the State of North Carolina. To the end that a just assessment of all property in said city for municipal taxation may be had said board of appraisement hereinbefore in this section provided for shall be allowed a period of ninety days within which to conclude its labors and make report of same to the city council, but said board shall continue for a period of one year as a standing committee to which all matters relative to taxes shall be referred, and are hereby invested with full power and authority to summon and examine, on oath any taxpayer in said city in regard to any property of said taxpayer which is or may be liable to municipal taxation, to subpoena and examine witnesses as may be thought proper, and to send for persons and papers: <i>Provided, however</i>, before the assessment of any taxpayer in said city shall be raised, notice of five days shall be mailed to such taxpayer, notifying him to appear before said board and show cause why such valuation should not be increased as proposed, but the failure on the part of any property owner whose property may be increased in value by the board of appraisement to receive written notice of the proposed increase shall in no wise invalidate or affect the action of said board in increasing the valuation of said property, but it shall be</p>
Powers and duties.	
Time for work.	
Proviso: notice of raise of assessment.	

presumed that the notice was sent as provided for herein. The members of said board shall not receive any further compensation for their services as members of said board of appraisement nor as members of said standing committee on taxes.

(2) The city council shall preserve said tax list among its records and shall immediately after its approval of the same cause to be made a copy of so much and such parts thereof as may be required for the use of the assessor and collector in collecting the taxes of said city. Said copy, or said copy amended, modified or changed as hereinbefore provided, shall be delivered to the assessor and collector on or before the first Monday in September of each year, and he shall receipt for the same. The mayor shall endorse on said copy an order to said assessor and collector of taxes 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 persons charged in said copy respectively.

Preservation of tax list.

Copy to tax collector.

Order for collection.

(3) Whenever it shall appear to the city council that property, real or personal, has escaped taxation in the city for city purposes, on account of failure of the owner of the property to list said property for taxation or for any other reason, it shall be the duty of the council to notify the said persons or corporation whose property has thus escaped taxation to appear before it at a time and place mentioned in the notice and show cause, if any there be, why the said owner should not be charged with the tax on said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice the city council shall hear and determine the matter, and if they find that the said property was liable for taxation and was not listed they shall direct the city clerk of said city to enter upon the tax books against the owner of the said property, who should have listed it, the taxes due for the years it escaped taxation, and the tax thus levied shall be charged up to the assessor and collector of taxes, and shall be collected as other taxes against the owner who failed to list his property or whose property was not listed for any cause.

Listing of property formerly overlooked.

(4) That from the decision of the city council the owner may take an appeal to the next term of the superior court of Lenoir County, and the collection of such taxes shall be stayed pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay to the city of Kinston all such judgments as may be had against him in the superior court upon such appeal, which bond shall in no case be less than fifty dollars.

Right of appeal.

(5) The sale of personal property for delinquent taxes shall convey with it an absolute title and the owner shall have no right to redeem the same.

Sale of personal property for taxes.

(6) All levies of *ad valorem* taxes heretofore made by the city of Kinston, and all assessments heretofore made and assessment rolls

Levies and assessments validated.

heretofore placed in the hands of the assessor and collector of taxes for collection are hereby validated and the same shall be legal and binding regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls.

Collection by  
action.

(7) In addition to the other modes of collection in this act provided all taxes due the city, whether general or special, and all assessments for street improvement or otherwise, may be collected by a civil action in the nature of an action of debt and such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein and the city shall have equal rights to become the purchaser at all sales of property for taxes or assessments due it, under judgment or otherwise. It shall be the duty of the mayor to attend to such sale, to make purchases, if they be necessary. In any suit by the city of Kinston for the collection of any delinquent tax where it shall appear that the description of any property in the city assessment rolls shall be insufficient to identify such property, the city shall have the right to set up in its pleadings a good description of the property intended to be assessed and to prove the same, and to have its judgment foreclosing its lien upon the same and personal judgment against the owner for such taxes, the same as if the property was fully described upon the assessment rolls. No levy shall be made on any property belonging to the city nor shall any levy be made upon the property of any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects properly taxable by said city.

Correction and  
alteration of  
lists.

(8) All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for inspection or correction, and any assessor and collector of taxes who shall fail or refuse to surrender his list upon such demand shall be guilty of a misdemeanor.

Personal property  
liable.

(9) The personal property of all persons owing taxes to the city of Kinston is hereby made liable for all said taxes whether the same be due upon personal or real property, or both.

City hospital.

SEC. 28. City Hospital. The city of Kinston shall have the power to provide for, establish and maintain a city hospital within the city and co-operate with any person, firm or corporation under such terms as the city council may prescribe for the establishment of such city hospital, and to that end they may appropriate annually out of the general revenue of the city a fund sufficient for the sup-

port and maintenance of such city hospital: *Provided*, the city council shall have the power, after first having been authorized to do so by a majority vote of the qualified voters of said city, to levy a special tax annually on the taxable values of the city for the support and maintenance of said hospital. Proviso: special tax.

SEC. 29. Miscellaneous. (1) All questions arising in the administration of the government of said city and not provided for in this act shall be governed by the laws of the State in such cases made and provided. Application of general laws.

(2) In all judicial proceedings it shall be sufficient to plead any ordinance of the said city by caption or by the number of section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published in book form by authority of the city council of the city of Kinston shall be admitted in evidence in all courts and shall have the same force and effect as would the original ordinance. Plea of ordinance. Printed ordinances evidence.

(3) All ordinances of the city of Kinston not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended or repealed by the city council: *Provided*, that the power to pass such ordinances under former charters has not been repealed, expressly or impliedly, by the terms of this act. Ordinances continue in force. Proviso: repeal of power.

(4) No office provided for in this act not now already existing shall be held to be created until the same is established by an ordinance of the city council. Offices not created.

(5) This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been pleaded or read in evidence. Public act.

(6) The property, real or personal, belonging to the city of Kinston shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the city, but if the mayor of the city elects to do so, he may answer in a writ of garnishment for the city, in his discretion. Property exempt from execution.

(7) In the event that any part, article, section or subdivision of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect notwithstanding such holding. Partial unconstitutionality not to vitiate act.

(8) Any officer of the city of Kinston who shall on demand fail to turn over to his successor in office the property, books, money, seals or effects of said city, shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court. Failure of officer to settle with successor misdemeanor.

Power of sale.

(9) The city council shall have power by a majority vote to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal, belonging to the city, and when so sold, a deed for the real estate may be executed by the mayor, and attested by the city clerk, or by two members of the council with the corporate seal of the city attached: *Provided, however*, that this section shall not apply to the plats in the cemetery except as to the manner of executing deed.

From and after the ratification of this act the same shall be henceforth the charter of the city of Kinston, and all laws now constituting the charter of said city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds and granting of franchises, and all laws of public and general nature inconsistent with or coming within the purview of this act are hereby repealed, as far only as they may affect the city: *Provided, however*, that such repeal shall not annul any ordinance, by-laws or rules of the city relating to bond issues or the granting of franchises nor shall such repeal affect any act done or any right accruing or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the city by its present name from any corporation or persons whatever be lost, affected, enforced and enjoyed in the name and for the use of the said city by the name of the city of Kinston.

Ratified this the 4th day of March, 1911.

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## CHAPTER 579.

AN ACT TO ESTABLISH A SPECIAL COURT FOR RUTHERFORD COUNTY WITH CIVIL AND CRIMINAL JURISDICTION, TO BE KNOWN AS "RUTHERFORD COUNTY COURT."

*The General Assembly of North Carolina do enact:*

Court established.

SECTION 1. That an inferior court, with civil and criminal jurisdiction as hereinafter prescribed, to be known as Rutherford County court, is hereby established.

Civil jurisdiction.

SEC. 2. That said court shall have jurisdiction in civil actions and proceedings as follows:

Concurrent with justices of the peace.

(1) Concurrent jurisdiction with justices of the peace in all civil actions, matters and proceedings which are now or may hereafter be given to justices of the peace of Rutherford County.

Concurrent with superior court.

(2) Concurrent jurisdiction with the superior court of Rutherford County in all civil actions, matters and proceedings founded on contract wherein the sum demanded shall not exceed five hun-

dred dollars, and wherein the title to real estate shall not be in controversy.

(3) Concurrent jurisdiction with the superior court of Rutherford County in all civil actions, matters and proceedings founded on tort, wherein the sum demanded or the value of the personal property in controversy does not exceed three hundred dollars, and wherein the title to real estate shall not be in controversy.

(4) Concurrent jurisdiction with justices of the peace and the superior court of Rutherford County in attachment and claim and delivery proceedings wherein the sum demanded or the value of the property claimed is within the jurisdiction of the courts as defined herein.

SEC. 3. Said court shall have jurisdiction in criminal actions and proceedings as follows:

(1) Concurrent jurisdiction with justices of the peace in all criminal actions, matters and proceedings arising from criminal offenses committed within the limits of Rutherford County.

(2) Exclusive original jurisdiction of all criminal offenses committed within the limits of Rutherford County below the grade of a felony, as now defined by law; and all such offenses committed within Rutherford County are hereby declared to be petty misdemeanors: *Provided*, that nothing in this act shall prevent superior court of Rutherford County from assuming jurisdiction of all offenses whereof exclusive original jurisdiction is given to said Rutherford County court, if within twelve months after the commission of the offense said Rutherford County court shall not have proceeded to take official cognizance of the same.

(3) In addition to the jurisdiction conferred by the preceding sections of this act, said court shall have jurisdiction over the following named offenses, whether the offense be covered by the preceding sections of this act or not, to wit: Larceny or the receiving of stolen goods knowing them to have been stolen, wherein the value of the property does not exceed thirty dollars, larceny from the person or the dwelling by breaking and entering in the daytime; forcible trespass, false pretense. All crimes and offenses covered by this section are hereby declared to be petty misdemeanors.

(4) In all criminal offenses committed in Rutherford County whereof original jurisdiction is not conferred upon said court, it shall have jurisdiction, and is hereby fully authorized to examine into the same and upon probable cause being shown, bind the defendant to the superior court of Rutherford County, or if capital, to commit him to jail, as is now provided by law for courts of justices of the peace: *Provided, however*, that no provisions of this act shall be so construed as to prevent any person in civil or criminal action from the right and privilege of a jury trial as is now allowed in courts of justices of the peace.

In matters of tort.

In attachment and claim and delivery.

Criminal jurisdiction.

Concurrent with justices of the peace.

Exclusive original jurisdiction.

Proviso: jurisdiction of superior court.

Jurisdiction of detailed offenses.

Jurisdiction in preliminary inquiries.

Proviso: jury trials.

Jurisdiction as to forfeits and penalties.

SEC. 4. Said court shall have jurisdiction to try all actions for the recovery of any forfeiting bonds made returnable before said court, and for the recovery of any penalty imposed by law, with power to dispose of same as now provided by law.

Issue of process.

SEC. 5. The justices of the peace and the clerk of the superior court of Rutherford County are hereby authorized to issue processes, both civil and criminal, and to make the same returnable before the Rutherford County court for trial. The mayor of the town of Rutherfordton, Forest City and the mayor of any incorporated town of Rutherford County, may issue warrants and other criminal processes and make the same returnable for trial to the Rutherford County court. All warrants shall be issued upon affidavit and made returnable forthwith. Summons and other civil

Return of process.

processes shall be made returnable in not less than ten days nor more than thirty days from the issuance thereof. If one or more of the defendants be a nonresident of Rutherford County, the summons shall be returnable in not less than fifteen days from issuance thereof. The precepts and processes of said court may be issued to the sheriff or other lawful officers of Rutherford County, to any constable thereof, and to any police officer of any incorporated towns in Rutherford County, in such cases as they are now authorized by law to serve processes; and when given under the seal of said court the processes and precepts may be issued and directed to the sheriff or other lawful officers of any county in the State of North Carolina and be executed anywhere in the bounds of the State. Such officer shall serve the processes and precepts as is now required by law. Service by publication may be made under the rule as now provided for service by publication in the superior court.

Execution of process.

Service by publication.

Recognizances.

SEC. 6. In actions heard by justices of the peace and other examining magistrates of Rutherford County in respect to any offense whereof Rutherford County court has exclusive original jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound over in suitable recognizance, with sufficient surety, to appear before the said Rutherford County court for trial, on a specified date, and within ten days from such preliminary examination, in default of such recognizance, such person or persons shall be committed to the Rutherford County jail until the trial.

Sessions of court.

SEC. 7. The Rutherford County court shall be open at all times for the dispatch of business, and the county judge, if the business require it, shall hold daily sessions, at the court-house, city hall or other suitable place in the town of Rutherfordton, North Carolina, or upon a petition of three-fourths of the qualified voters of any town of six hundred inhabitants or over of Rutherford County, presented to the board of county commissioners of Rutherford County, said commissioners may, and it shall be their duty, to direct the judge of said court to hold monthly sessions at any of the towns so petitioned therefor, and the said monthly session shall

Monthly sessions.

continue until all cases that may come before them shall be heard: *Provided, nevertheless,* that each and every town so petitioning shall first provide a suitable place for the holding of said court and maintain the same at their own proper cost.

Proviso: court room.

SEC. 8. The pleadings in the Rutherford County court, in civil actions within the jurisdiction of justices of the peace, may be oral or original, but in all other civil cases, the pleadings shall be written. The trial judge, in his discretion, may require written pleadings in all cases. In all civil cases wherein the pleadings are required to be written, the complaint shall be filed at least five days before the return day, and the answer shall be filed on or before the day for trial.

Pleadings in civil actions.

SEC. 9. Judgments of said court may be enforced by execution issued therefrom, and transcript of the same may be docketed in the superior court of Rutherford County and become a judgment of the superior court, as now provided for courts of justices of the peace.

Enforcement of judgments.

SEC. 10. Any person convicted in said court of any offense shall pay all cost of the prosecution, trial and judgment, and be fined or imprisoned, or both, according to law; and when the punishment imposed is imprisonment and cost, it shall be lawful for the trial judge to sentence the defendant to the common jail of Rutherford County, to be worked on the public roads of said county, provided there be a chain gang in said county, and in case there be no such chain gang, then said prisoner may be hired to some county in the State working prisoners, until such sentence is served.

Costs.

Sentences.

SEC. 11. In all cases there shall be a right of appeal from the judgment of said court by the defendant in criminal actions, and either plaintiff or defendant in civil actions to the superior court of Rutherford County, and upon such appeal the trial in the superior court shall be *de novo*. Proceedings on appeal, appearance bonds and undertakings to stay execution shall conform to the procedure now obtaining in courts of justices of the peace as far as practicable.

Right of appeal.

Proceedings on appeal.

SEC. 12. As a fee for issuing any warrant, summons or other original process returnable to Rutherford County court for trial, the officer shall be entitled to fifty cents. Witnesses shall be entitled to one dollar per day and mileage, at five cents per mile each way, but only such witnesses shall be allowed to prove their attendance as are now allowed to prove in the superior court. In each action, civil or criminal, within the jurisdiction of justices of the peace, a fee of one dollar, and in all other actions a fee of two dollars shall be taxed and collected as other costs for trial and judgment and paid to Rutherford County. The prosecuting attorney shall receive a fee of two dollars for each person convicted of an offense within the jurisdiction of a justice of the peace and for other offenses, fee of four dollars for each person convicted. Except as above provided, the respective officers shall be entitled to the same fees in Rutherford County court as now allowed by law in the supe-

Fees.

rior court: *Provided*, that the police officers of any town in Rutherford County shall be allowed the same fee as sheriffs or constables, the same to be paid into the treasury of the towns wherein such an offense shall have been committed. The jail fee of any prisoner held in custody by any town, in which any prisoner may be sent up from may be taxed as part of the cost. Cost in all actions, civil and criminal, in Rutherford County court shall be payable and collectible as is now provided by law. The county judge shall have full power as to taxing bill of cost, and respective items thereof, under the practice now obtained in the superior court in respect to such matters.

Costs paid by county.

SEC. 13. In all criminal actions which are not in violation of any of the town ordinances of an incorporated town in Rutherford County, and of which a justice of the peace has no final jurisdiction, and in which the party is convicted and imprisoned, or put on the county roads or hired out to some other county, and from whom no costs are collected, the county shall pay one-half the cost, as now provided by law, but in no case shall the county be liable for any cost or fees going to the prosecuting attorney provided for in this act.

Fines and costs paid to county.  
Expense of court.

SEC. 14. All fines and costs collected in Rutherford County court shall be paid into the treasury of Rutherford County. The expense of said court, except as otherwise provided, shall be paid monthly by Rutherford County, provided the same be properly approved by the board of county commissioners at their regular monthly sessions. That James M. Carson, of Rutherfordton, North Carolina, be and he is hereby named as county judge of this the said Rutherford County court for the term beginning April the third, one thousand nine hundred and eleven, and ending the first Monday in December, one thousand nine hundred and twelve, and that M. L. Edwards, of Rutherfordton, North Carolina, be and he is hereby appointed prosecuting attorney for said Rutherford County court, from April third, one thousand nine hundred and eleven, to the first Monday in December, one thousand nine hundred and twelve.

Proviso: approval of expense.

County judge.

Term of office.

Prosecuting attorney.

Dockets, files and records.

SEC. 15. There shall be dockets, files and records of all proceedings conforming as nearly as possible to the records of the proceedings in the superior courts, and the clerk of the superior court of Rutherford County shall be *ex officio* clerk of said Rutherford County court, and shall perform all the duties thereof, and receive in compensation for his services the sum of thirty dollars per month in addition to his salary as clerk of the superior court of Rutherford County.

Clerk.

Compensation of clerk.

Court of record.

Seal.

SEC. 16. Said court shall be a court of record, and shall have a seal with the following impression, "Rutherford County Court," which seal shall be used in attestation of all writs, warrants, or judgments of said court whenever required, and in the same manner and to the same effect as the seal of other courts of record in the State of North Carolina.

SEC. 17. Said court shall be presided over by a county judge, who shall be a licensed attorney practicing in this State, of good moral character, and who shall be at the time of his election and qualification an elector in and for the county of Rutherford. Said judge shall be elected by said county at the same time and in the same manner as other county officers are elected. He shall hold his office for a term of two years and until his successor shall have been elected and qualified, but he shall not be eligible for two terms in succession. His first full term shall begin on the first Monday in December, one thousand nine hundred and twelve. His appointment for the term between the date when this act goes into effect and the first Monday in December, one thousand nine hundred and eleven, shall be as hereinafter provided. Before entering upon the duties of his office, he shall take and subscribe an oath of office, as is now provided by law for judges of the superior court, and shall file the same with the clerk of the superior court of Rutherford County, and said clerk shall duly record the same. Said judge shall receive for a salary the sum of one thousand dollars per annum, payable in monthly installments by Rutherford County.

County judge.

Election.

Term of office.

Beginning of first term.

Judge to qualify.

Salary.

SEC. 18. That said judge shall not by reason of his office be prohibited from practicing his profession as an attorney at law in the other courts of the State, except as to matters connected with or growing out of said county court.

Judge may practice law.

SEC. 19. When the said judge is unable to preside over said court on account of sickness, absence or other causes, said judge shall appoint some other person possessing the same qualifications as said judge, to act as substitute judge with all the powers and duties of the said county judge. Compensation of the substitute county judge shall be paid by the county judge.

Substitute judge.

Compensation.

SEC. 20. That in addition to the officers above provided, there shall be a prosecuting attorney for Rutherford County court, whose qualifications, election and term of office shall be the same as provided for the county judge. It shall be the duty of the said prosecuting attorney to see that warrants, subpoenas and other processes are issued for the proper apprehension and trial of all violators of the law in Rutherford County, and to represent the State of North Carolina in the trial of all criminal actions brought before said court, and faithfully and diligently prosecute the same. And in addition to the duties as above described and defined said prosecuting attorney shall be, *ex officio*, legal adviser of the county commissioners of said county, representing them in all matters arising within or which effect the interests of Rutherford County. And it shall be his duty to audit the books of each and every officer of said county on or before the first Monday in December of each and every year during his term of office, and cause a statement thereof to be published in some newspaper published in Rutherford County, showing the receipts and disbursements of Rutherford County for

Prosecuting attorney.

County attorney.

Audit of accounts.

Compensation. each and every year during his continuance in office. He shall receive such compensation for his services rendered to the said board of county commissioners, as may be deemed proper by the said board of county commissioners: *Provided*, that such attorney shall be allowed to employ some competent accountant to audit said books: *Provided*, the same shall not cost exceeding five dollars per day for the time actually spent in the auditing of said books.

Proviso: employment and pay of accountant.

Vacancies.

SEC. 21. Any vacancy occurring in the office of said county court judge or prosecuting attorney of said county, shall be filled by the Governor of North Carolina.

Cases not transferred.

SEC. 22. All cases pending in the superior court of Rutherford County, in the courts of justices of the peace or other courts of Rutherford County on the first Monday in April, one thousand nine hundred and eleven, shall be tried in the court where pending, and not transferred to Rutherford County court for trial.

Procedure.

SEC. 23. That the procedure in Rutherford County court, except as hereinbefore provided, shall follow the rules and the principles laid down in the chapter on criminal procedure and the chapter on civil procedure in The Revisal of one thousand nine hundred and five, and amendments thereto, in so far as the same may be adapted to the needs and requirements of the said court.

First session of court.

SEC. 24. That the first session of Rutherford County court shall be held on the first Monday in April, one thousand nine hundred and eleven, and the other sessions as provided in this act.

Repeal.

SEC. 25. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Act to be ratified by county commissioners.

SEC. 26. That this act shall not take effect unless ratified and approved by the board of commissioners of Rutherford County at a regular meeting called for that purpose, and after public notice has been given for four weeks in some newspaper published in Rutherford County, said meeting of commissioners to be held in town of Rutherfordton on the first Monday of May, one thousand nine hundred and eleven.

Ratified this the 4th day of March, 1911.

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## CHAPTER 580.

### AN ACT REGULATING AND CLASSIFYING TERM OF OFFICE OF COMMISSIONERS OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Board of county commissioners.

SECTION 1. That the board of county commissioners of Buncombe County shall consist of a chairman and four members of the board, who shall be duly qualified electors chosen from the body of the county and shall be styled the Board of County Commissioners of Buncombe County.

SEC. 2. That the term of office of the chairman of said board shall be two years, and the terms of office of the four members of said board shall be four years respectively: *Provided, however,* that at the regular election in November, one thousand nine hundred and twelve, two of said members of said board shall be elected for a term of two years and two for a term of four years from December the first, one thousand nine hundred and twelve; term of two members of said board shall expire every two years and their successors shall be elected for a term of four years, or until their successors are elected and qualified.

Terms of office.

Proviso: terms of board elected in 1912.

SEC. 3. That the duties, compensations and power of said board shall be and remain the same in all respects as those now provided by law regulating same.

Duties and compensation.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 4th day of March, 1911.

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#### CHAPTER 581.

AN ACT TO AMEND SECTION TWO THOUSAND FOUR HUNDRED AND SIXTY-SIX OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO DYNAMITING FISH IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That The Revisal of one thousand nine hundred and five be amended by striking out the following words of section two thousand four hundred and sixty-six in lines five, six and seven: "And fined not more than fifty dollars or imprisoned not more than thirty days."

Punishment.

SEC. 2. That this act shall apply to the county of Swain.

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

Ratified this the 4th day of March, 1911.

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#### CHAPTER 582.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, IN REFERENCE TO THE COURT STENOGRAPHER FOR WILKES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and seventy-one of the Public Laws of one thousand nine hundred and nine be and the same

Copies of notes.

is hereby amended as follows: Add at the end of section one thereof the following words: "And said stenographer shall, when request is made by either party, or by counsel for either party, furnish at least three type-written copies of her notes of any trial so reported by her, one copy for the court, and one for each of the parties."

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

Ratified this the 4th day of March, 1911.

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### CHAPTER 583.

#### AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY-NINE, LAWS ONE THOUSAND NINE HUNDRED AND NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and sixty-nine of the Public Laws of North Carolina, one thousand nine hundred and nine, be amended by adding at the end of section fifteen (15) the following:

Appointments by clerk.

Sec. 1. That in case the drainage commissioners heretofore appointed under this chapter shall fail to act, then upon application to the clerk of the superior court by five or more persons interested, the clerk shall appoint other drainage commissioners. And in case the clerk is interested in the drainage of the lands, then application shall be made to the board of county commissioners, who shall make the appointment of the drainage commissioners as provided under the act of one thousand nine hundred and nine.

Appointments by county commissioners.

Drainage districts.

SEC. 2. That said drainage commissioners heretofore appointed or hereafter appointed, shall have the power and right to divide any creek or its tributaries into one or more drainage districts, as to them may seem to the best interest of the landowners, and appoint overseers of the different districts.

Overseers.

Landowners to remove impediments.

SEC. 3. That whenever, upon inspection of the drainage district, or drainage districts, it shall appear to the drainage commissioners that the flow of water is impeded in the stream or streams, by rock, trees, logs or dams of any character, which cause the stream to fill up with sand and render liable the low lands along said stream or streams to overflow, it shall be the duty of the drainage commissioners to notify the parties who own the lands where such impediments exist, to remove the same in thirty days, and in case same are not moved in thirty days, then said drainage commissioners shall have the right to contract for such removal, and the costs of same shall be charged against the parties upon whose premises it exists, and if not paid, said drainage commissioners may sue and collect the same.

Removal at expense of land-owners.

SEC. 4. That whenever the flow of the stream is impeded by a mill dam, and said mill dam tends to fill up the stream and cause the streams to overflow and injure the lands and health of the parties living above the said mill dam on the stream, the drainage commissioners shall have the power to order the owner to remove the same, and upon his failure to do so, said commissioners may enter into an arbitration as to the necessity of removal and as to the damage caused by removal, taking into consideration any benefits that may inure to the party owning the dam for mill purposes. In case the removal is not effected by request or arbitration, then said drainage commission is authorized and empowered to bring suit in the superior court to remove said mill dam, upon the grounds that its existence and continuation is a nuisance and injurious to the lands and health of the community, in which suit the party owning said mill dam shall have the right to defend and set up such defense as he may be advised.

Removal of mill dams.

Suit for removal.

SEC. 5. That this act shall apply to any action now pending and instituted under the acts of one thousand nine hundred and nine.

Pending actions.

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

Ratified this the 4th day of March, 1911.

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#### CHAPTER 584.

AN ACT TO AMEND SECTION TWO THOUSAND FIVE HUNDRED AND SEVENTY-EIGHT OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, APPLYING ONLY TO THE COUNTIES OF ASHE, WATAUGA AND YANCEY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any railroad company constructing or maintaining, or which may hereafter construct or maintain, any railroad in the counties of Ashe, Watauga and Yancey, North Carolina, shall have the power to condemn to its use all lands necessary for its right-of-way and road bed, including yards, gardens and orchards, and that said lands, yards, gardens and orchards shall be condemned under the general provisions prescribed in The Revisal of one thousand nine hundred and five, chapter sixty-one, not in conflict with this act.

Extension of right to condemn land.

SEC. 2. That this act shall apply only to the counties of Ashe, Watauga and Yancey.

Application of act.

SEC. 3. That 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 this the 4th day of March, 1911.

## CHAPTER 585.

AN ACT TO PROHIBIT THE SALE OF NEAR BEER OR ANY OTHER FERMENTED DRINKS OF ANY NAME OR NATURE WITHIN TWO MILES OF THE SCHOOLHOUSE IN SCHOOL DISTRICT NUMBER EIGHTY-SEVEN IN TATUM TOWNSHIP, AND CHADBOURN HIGH SCHOOL IN CHADBOURN TOWNSHIP.

*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful for any person or persons to sell near beer or any other fermented drinks of any name or nature within two miles of the schoolhouse in District Number Eighty-seven for whites, situated in Tatum's Township and Chadbourn High School in Chadbourn Township, Columbus County.

Misdemeanor.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and upon conviction fined not more than fifty dollars or imprisoned thirty days.

Punishment.

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

Ratified this the 4th day of March, 1911.

## CHAPTER 586.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Election to be ordered.

SECTION 1. That the board of county commissioners of Lee County be, and it is hereby authorized, empowered and directed to submit within a period of not less than forty nor more than sixty days from the filing with them of a petition signed by not less than two hundred of the qualified voters of said county, to the qualified voters of said county, the question as to whether or not the county of Lee shall issue bonds in the sum of one hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving or macadamizing the public highways of said county; such election to be called from time to time, as often as the provisions as to the filing of said petition is complied with. That the said board of county commissioners shall, for at least thirty days preceding the election, give public

Petition.

Amount and purpose of bond issue.

Notice of election.

notice of said election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the votes cast in any such election shall be against the issue of bonds, the commissioners shall submit the question to the qualified voters from time to time as often as the requirements as to the filing of the petition herein provided for are complied with. Proviso: successive elections.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars and the judges of election in the same manner as is now provided or may hereafter be provided, for the election of members of the General Assembly; and said county commissioners may or may not order a new registration for the said election that may be held under the provisions of this chapter. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the results of said election shall be necessary. Law governing election.  
Proviso: election officers.  
New registration.  
Count and return of vote.  
Canvass and record.

SEC. 3. That at the said election or elections, the ballots tendered and cast by the qualified voters, shall have written or printed, or partly written and partly printed upon them "For good roads," or "Against good roads," and all qualified electors who favor the issuing of said bonds shall vote "For good roads," and all qualified electors opposed to the issuing of bonds shall vote "Against good roads." Ballots.

SEC. 4. In the event that the majority of the votes cast in any such election held under the provisions of this chapter, shall be cast "For good roads," the result shall be recorded and declared as aforesaid, and the board of county commissioners shall cause an election to be held within forty days from their next monthly meeting, to elect seven residents of said county, one to be elected from among the qualified voters in each township in said county, and by the qualified voters thereof, to be known as the highway commissioners of Lee County, said election to be held under the same rules and regulations as the election for bonds, and the qualified voters of each township shall vote for some qualified elector residing in their township. The terms of office of said highway commissioners first elected shall be fixed as follows: At the meeting of the board of commissioners which shall canvass and declare the result of said election, the names of the seven highway commissioners shall be written upon slips of paper and drawn from a hat; the first two so drawn shall serve for a term of two years from the first Monday in December following, or until the first Monday in Election of highway commissioners.  
Terms of office.

notice of said election, together with the purpose thereof, by public Assembly, if it should sooner occur; the next three shall serve for four years from the first Monday in December following, or until the first Monday in December next following the second election thereafter held for election of members of the General Assembly, if it should sooner occur; the next two shall serve for six years from the first Monday in December following, or until the first Monday in December next following the third election thereafter held for the election of members of the General Assembly, if it should sooner occur. That as the terms of office of the said highway commissioners shall expire, their successors shall be elected for a term of six years at the general election held for the election of members of the General Assembly, the qualified electors in each township voting for the election of the highway commissioner to be elected therefrom as herein provided. That the board of highway commissioners shall have power to fill all vacancies by death, resignation or otherwise, until the next general election for members of the General Assembly, when the unexpired term shall be filled by election by the qualified voters of the township. That the language used in fixing the terms of the first highway commissioners elected hereunder shall be construed to fix the termination, and not the beginning of said term, and that as soon as practicable after the election of said highway commissioners as herein provided, they shall meet, and after taking and subscribing before some person duly authorized to administer oaths, an oath to perform the duties of the said office to the best of their skill and ability, shall organize by electing one of their number chairman and another secretary, and shall pass such rules and regulations for their government as they shall deem best.

**Election and term of successors.**

**Vacancies.**

**Commissioners to qualify and organize.**

**Organization.**

**Bond issue.**

**Denominations. Amount.**

**Interest.**

**Maturity.**

**Authentication.**

SEC. 5. In the event that a majority of the votes cast at any such election held under the provisions of this act shall be "For good roads," the result shall be declared and recorded as aforesaid, and the board of commissioners of the county shall have bonds prepared of the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, as they may deem best, the total amount being that provided for in the first section of this act. The said bonds shall bear a rate of interest to be determined by the board of county commissioners not exceeding five per cent per annum, with coupons attached payable semi-annually during the time the bonds shall run, and the principal thereof shall be payable forty years from their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Lee County, in the court-house of Lee County, North Carolina, and said bonds shall be numbered consecutively, beginning with the number one, and each bond shall be signed by the chairman of the board of county commissioners, and countersigned by its clerk, and each coupon shall bear a fac simile of their signatures, and each

bond shall be authenticated by the seal of the county and shall be styled "Lee County Highway Improvement Bonds."

SEC. 6. That immediately upon the preparation and signing of said bonds, the said board of county commissioners shall either exchange said bonds for the bonds of the State of North Carolina, or turn over to the chairman of the highway commission herein provided for, all of said bonds without the county seal having been affixed to any of them. The highway commission shall have power to advertise and sell all or any part of the said bonds, at such time and place as they may deem best, for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expense of such advertisement and selling or other necessary expenses in regard thereto, to be paid out of the fund arising from the sale thereof. Before delivering any of the bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the custodian of the county seal of Lee County, whose duty it shall be to affix said seal to the bonds so sold, and no bonds shall be of any value until such seal is so affixed, and when so affixed in accordance herewith, the same shall be to all intents and purposes a lawful sealing of the same. Said bonds shall not be sold or disposed of in any way for less than their face value, nor shall they or their proceeds be used for any other purpose than these described in this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of the fund. Said bonds 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 where payable, and the bonds shall show by what authority they are issued. The highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold, the number of bonds and their denominations, to whom sold and the number of coupons attached. Said minutes shall always be open to the inspection of the board of county commissioners.

That, whereas, Jonesboro Township has an outstanding bond issue of fifteen thousand dollars of bonds for the purpose of constructing and improving the public roads of said township, and, whereas, it is desired to make the whole road improvement scheme a county instead of a township movement, the board of highway commissioners shall deliver to the chairman of the board of county commissioners of Lee County fifteen thousand dollars of bonds authorized by this act, to be substituted for the fifteen thousand dollars of said township bonds as follows: If said township bonds shall at that time be unsold the county commissioners of Lee County shall deliver the same to the said highway commissioners of Lee County, and the same shall be canceled; and the tax as provided for in the act authorizing said township bonds shall not be levied or collected.

Delivery to highway commission.

Advertisement and sale of bonds.

Bonds sealed as sold.

Bonds not to be sold below par.

Specific appropriation.  
Proviso: responsibility of purchaser.

Record.

Minutes open to inspection.

Bonds of Jonesboro Township.

Unsold bonds canceled.

Exchange of bonds heretofore sold.

If the said Jonesboro Township bonds shall have been sold before the issue of the highway improvement bonds authorized by this act, the said highway commissioners shall deliver to the chairman of the board of county commissioners of Lee County, fifteen thousand dollars of the bonds authorized by this act, properly signed and sealed, to be exchanged with the holders of the said township bonds, if the said holders will consent thereto; if the said holders will not consent to the change, then said bonds are to be held in trust by the said county commissioners, the coupons thereof to be paid by the county treasurer as they become due, the money arising therefrom to be devoted to the payment of the interest on the township bonds, while the bonds themselves are to be retained for the redemption of the outstanding fifteen thousand dollars of township bonds. It shall be the duty of the officer having charge thereof to turn over to the highway commissioners of Lee County, all money remaining on hand arising from the sale of said township bonds, and all engines, rock crushers, stock or other road machinery in their possession purchased with the proceeds thereof.

Transfer of money and machinery.

Proceeds of bonds to treasurer.

Separate fund and accounts.

Bond of treasurer.

SEC. 7. When any of the bonds provided for in this act are sold, the proceeds of the sale shall be turned over to the treasurer of Lee County, who shall keep said fund separate from all other funds and keep separate accounts of the same. Said treasurer shall, annually before any fund provided for in this act is paid over to him, execute an official bond payable to the county of Lee in the usual form, the penal sum to be equal to the greatest amount which may at any time come into his hands during the succeeding year, conditioned for his faithful safe keeping of the same, and in all things holding, disbursing and accounting for the same as required by law, which bond shall be passed upon and received by the county commissioners of Lee County, under the same conditions applying to the bonds of county officers. All orders directed to the treasurer for the payment of money under this act shall state on their face that they are highway orders and to what account they are chargeable, and they shall be signed by the chairman and secretary of said highway commission: *Provided*, the county treasurer's compensation for the duties imposed by this act, shall not exceed one per cent of money disbursed by him.

Highway orders.

Proviso: compensation of treasurer.

Road tax.

SEC. 8. That in case said election shall be in favor of issuing bonds, the board of county commissioners shall levy annually on the first Monday in June a separate road tax for the county of not more than twenty cents on the hundred dollars worth of property and not less than ten cents, and not more than sixty cents on the poll, and not less than thirty cents, the constitutional equation being observed at all times, the subject of taxation and the levying of taxes to be the same as those on which the board of county commissioners now are or hereafter may be authorized to levy taxes for general county purposes. The taxes so levied shall be collected

Tax rate.

as other taxes and the same shall be a separate fund to be applied, first, to the interest on said bonds, second, to the working and maintenance of the public roads under the provisions of the road law which may be in force for Lee County, and third, to the creation of an adequate sinking fund for the redemption of said bonds. The sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the interest thereon shall be used for any other purpose. The board of county commissioners shall manage and invest the funds at their discretion until paid out for the redemption of bonds in the manner set out in this act: *Provided*, the said board of county commissioners may, in their discretion, from time to time use any of said sinking fund for the purpose of purchasing in open market of any bonds issued under the provisions of this act: *Provided*, the holders of said bonds consent.

SEC. 9. The said highway commission shall have full and exclusive control of construction, improvement, maintenance and working of the roads of Lee County, and shall use the funds derived from the sale of said bonds, to construct and improve the public highways in said county, and shall, in their discretion purchase and hold or contract for the use of such tools, machinery, implements and stock, and employ such contractors, overseers, foremen and laborers as they may deem necessary for the said purpose, and shall expend such part as is available of the funds raised by the tax levy to maintaining and working said roads and bridges. Persons convicted in any way in the courts of the county, superior, justices, recorder's or mayor's courts, and sentenced to the public roads, may be assigned by the board of county commissioners into the custody and control of the highway commission. Said convicts while in the custody and under the control of the said highway commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts, while so employed, shall be paid out of the funds derived from the sale of said bonds: *Provided*, that when the highway commission shall have made provisions for the expense of supporting and guarding while at work on the public roads, a larger number of convicts than can be supplied from Lee County upon application of the highway commission of said county, to the judges of the superior court 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, he may sentence such able-bodied male prisoners as are described in section nine of this act from such adjoining counties or other counties in the same adjoining judicial districts, to work on the public roads of Lee County, and the cost of transporting, guarding

Application of tax.

Sinking fund.

Management and investment of sinking fund.

Proviso: purchase of bonds.

Proviso: consent of owners.

Control of roads.

Use of funds.

Convicts sentenced to road work.

Employment of convicts.

Expense.

Proviso: convicts from other counties.

- and maintaining such prisoners as may be sent to said county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of said county: *Provided*, that any and all 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 Lee County.
- Proviso: return of convicts.**
- Roadways classified.**
- Expenditure of funds.**
- Proviso: highways in towns.**
- Thoroughfares or highways.**
- Neighborhood or branch roads.**
- Cartways.**
- Surveys and location.**
- Grade.**
- Width.**
- Proviso: increase of grade.**
- Proviso: decrease of width.**
- SEC. 10. For the purposes of this act the roadways of the county are hereby classified as follows, and the funds raised under the provisions of this act shall be expended upon such highways as herein classified as the highway commission, in its discretion, may decide to improve: *Provided*, that such highways shall be improved within the limits of the incorporated towns whenever such highway may extend into or through such incorporated town.
- (a) The thoroughfares or highways include the more important public roads which usually lead through two or more townships or counties and are extensively used by the traveling public. These become the highways of the county as they are properly graded and drained and have their surfaces improved by being covered with broken stones, gravel, shells or suitable admixture of sand and clay.
- (b) The neighborhood or branch roads are public roads which are usually to the limits of one or two townships and generally lead from neighborhoods or settlements to main thoroughfares.
- (c) Cartways, which have no general public junction, are private highways opened up to allow one or more persons on foot, on horseback, or with a vehicle, to pass to and from his or her property through lands belonging to other parties in order to reach the public road.
- SEC. 11. That the thoroughfares or highways as defined above to be improved or constructed in accordance with the provisions of this act, prior to the inauguration of any such permanent improvement on the road or highway to be so improved or constructed, shall be first carefully surveyed and located by a competent road engineer, trained and experienced in such work, aided by such assistants as it may be necessary for him to employ, the same to be paid out of the road bond fund of the county, for services and expenses, as may be agreed upon by the highway commission. All such public roads or highways, where changed or hereafter located or relocated or widened, shall be given a grade nowhere greater than five feet in one hundred feet, and they shall have a width of not less than twenty feet, clear of ditches, trees, logs, and other obstructions: *Provided*, that where in the opinion of an experienced and expert engineer, insurmountable obstructions make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred, 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 hill, its width shall not be less than sixteen feet between ditches, or where blasted out in hard

rock the width of such roadway shall not be less than thirteen feet: *Provided, further*, that these thoroughfares or highways shall have a right-of-way of forty feet wide, but the width of the road bed within the limits here specified shall be decided by the highway commission. All such roads shall be thoroughly drained and whenever it may be necessary to turn water across them, this shall be done by putting in sewer pipes or other forms of covered drains or culverts. These thoroughfares or highways as they are improved under the provisions of this act shall be located at a distance from any railway line of not less than two hundred (200) feet, except in cases where in the opinion of an experienced road engineer a nearer approach to said railway line for a few years be necessary. They shall cross said railway lines only when, in the opinion of such engineer, this be necessary; and at such crossings, whenever possible, the roadway shall be located either under or over the said railway line; and it shall be the duty of the company operating the said railway line to construct and keep in good repair the road bed, including necessary bridges or culverts, of such thoroughfares or highways across the right-of-way occupied and claimed by said railway company, this precaution being taken as a proper safeguard to life.

Proviso: right-of-way.

Drainage.

Highway near railways.

Railway crossings.

Railways to construct and repair crossings.

SEC. 12. The neighborhood or branch roads as defined in section ten (b) of this act, shall have a right-of-way of forty feet, but the width and grade of the roadway and specifications under which these roads shall be kept in repair, shall be decided by the county superintendent of roads, subject to the approval of the highway commission; and said roads may be relocated or otherwise changed in the manner provided for in section eleven of this act. The amount and nature of the labor to be performed in the maintenance and repair or change of any one of these roads or parts thereof, shall be at the discretion of the superintendent or supervisor in charge of said roads, except as otherwise provided herein.

Details of branch roads.

Maintenance and repair.

SEC. 13. Cartways, defined in section ten (c) of this act are to be kept in repair by parties using the same. Any party desiring a cartway opened up over the lands of another person or persons may file his petition for the same before the highway commission, praying for a cartway to be kept open across such other person's land, leading to some public road; and upon his making it to appear to the commission that the owner or owners of said lands, or their legal representatives, have had ten days notice of his intention, the board shall hear the allegations of the petitioner and the objections, if any, of the owner or owners or their representatives, and if sufficient reason be shown shall order the constable or other officer to summon a jury of five freeholders to view the premises and lay off a cartway not less than fourteen feet wide, and assess the damages, if any, the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner;

Cartways.

Procedure for establishment.

and the way shall be kept open for the free passage of all persons, on foot or horseback, carts and wagons. Cartways, laid off according to the provision of this section, may be changed or discontinued upon application of any person concerned, under the same rules of the proceeding as they may be first laid off, and upon such terms as to the highway commission shall seem equitable and just. Any person through whose land a cartway may pass, may direct gates or bars across the same; if any person shall break down, or otherwise injure such gates or bars he shall forfeit and pay, for every such offense, ten dollars to the person erecting the same or the owner of the land; and if the offense shall be maliciously done he shall be guilty of a misdemeanor: *Provided*, that in case a cartway has been granted by mutual consent of the interested parties and without effectual sanction shall not be closed by any part until opportunity has been given for the establishment of such a cartway as herein provided for; and any person so closing a cartway in violation of this provision shall be guilty of a misdemeanor.

SEC. 14. As soon as the highway commission shall be organized they shall elect by ballot a highway superintendent for the county of Lee and fix his compensation. The result of said election shall be declared and recorded in the proceedings of the highway commission. The person so elected shall take and subscribe an oath for the faithful performance of his duty as such highway superintendent, and shall execute an official bond in the sum of two thousand five hundred dollars (\$2,500) for the faithful performance of his duties and for accounting for all money and property which may come into his hands as such officer. He shall hold his office for two years and until his successor qualifies except that the highway commission may for good cause remove him from his said office and elect a successor for the unexpired term. He shall have direct supervision of the location, construction and maintenance of all the road work of the county, subject to the approval of the highway commission. It is *Further provided*, that the said superintendent shall be a competent and experienced road builder, and in case the General Assembly does not provide the necessary appropriation to enable the State to furnish engineering assistance to the counties, the said road superintendent shall be a competent road engineer.

SEC. 15. The treasurer of Lee County shall on the first Monday in each and every month post at the court-house door of said county itemized statement showing in full an account of his receipts and disbursements for the previous month, and the highway commission shall require him to account to them quarterly in each year for the said highway fund, and it may require as often as it may deem best reports from officers and employees concerning their progress and their duties, and to what extent and in what manner they have performed the same.

Forfeit for injury to gates or bars.

Proviso: cartways by consent.

Election and compensation of highway superintendent.

Superintendent to qualify and give bond.

Term of office.

Powers and duties.

Qualifications.

Itemized statements posted monthly.

Quarterly accounts. Reports.

SEC. 15. (a) The board of county highway commissioners shall have power, on petition on their own motion, to relocate, construct, widen or otherwise change public roads or parts thereof, and to lay out and construct new roads when in their judgment the same will be advantageous to public travel, and for such purposes are authorized, through their agents, to enter upon lands to make the necessary surveys. Before doing any work or construction, apart from the surveys the said board shall give to the landowner over which the proposed new road or change of road may run, at least five days notice in writing of a time and place when and where the board will consider the question of condemning the necessary land. If the landowner be a minor or insane, such notice shall be given to him or his guardian, or, if there be no guardian to the person with whom he is living. If the landowner be a nonresident, or can not be found within the county, such notice shall be mailed to his last known address and published in a newspaper of Lee County at least seven days before the hearing. If the highway commission shall find the proposed improvement advantageous to public travel, and shall decide to condemn the land necessary for the road, they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation, the findings and order of the highway commission shall not be subject to review. No strip of land wider than forty feet, with such additional width as may be necessary for cuts and fills, shall be acquired by condemnation. Upon making the order of condemnation, the said commission shall have authority, through their agents to immediately take possession of the land described in the order and construct the road. If the landowner, after the road has been relocated or otherwise changed or after the new road has been opened, shall consider himself damaged and shall be unable to agree with the commission as to the amount of damages, he shall within ninety days after opening, relocating or otherwise changing the road, apply to the clerk of the superior court for an assessment of damages. Five days notice of such application shall be given to the highway commission. The clerk shall appoint and cause to be summoned a jury of three disinterested freeholders to assess the damages, and shall at the time of appointing the jury, fix the time and place for their meeting. If for any cause the jurors shall fail to so meet, they shall meet at such other time and place as may be fixed by them, after giving forty-eight hours notice thereof to the commission and to the landowner or his attorney. The jurors being duly sworn shall in considering the question of damages, take into consideration the benefits to the landowner, and shall render a verdict for such amount, if any, as the damages exceed the benefits, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly. Either the commission or the landowner may appeal to the superior court within ten days from

Location and change of roads.

Notice to landowners.

Order of condemnation.

Land to be condemned.

Possession of land.

Procedure for assessment of damages.

Right of appeal.

Bond on appeal.

the filing of the report. If the landowner appeals the clerk shall require him to give bond or make a deposit of a sum not exceeding one hundred dollars (\$100) this to secure cost as may be recovered against him on appeal, and if the amount of damages recovered by him in the superior court shall not exceed the amount offered him by the commission prior to the assessment of damages before the clerk, he shall be taxed with all costs accrued since the time of such offer. If the landowner make affidavit of inability, by reason of poverty to give the required bond or deposit, he shall be allowed to appeal without bond. The bond or deposit may be increased by the judge of the superior court. The appellate court shall in no wise adjudicate the necessity of the relocation, widening or other change or of the opening of the road, but shall try under the rules of procedure of the superior court only the question of damages and benefits: *Provided*, that if the commission shall desire to have the damages assessed before proceeding to the work of construction, and shall fail to agree with the landowner as to the damages, they shall within sixty days after the order of condemnation make application to the clerk accordingly, first, however, serving upon the landowner, in the manner as hereinbefore provided for, condemnation notice of such application. Upon hearing the clerk shall appoint and cause to be summoned three disinterested jurors who shall proceed and make report as hereinbefore directed, except that they shall separately state therein the damages caused by the survey or surveys, and the rights of appeal and proceedings on appeal shall be as hereinbefore set forth: *Provided*, that within ten days after the filing of the report, or before final judgment in the superior court, if an appeal shall have been taken the commission shall have the election to abandon the proposed road improvement or construction, and in such case the clerk or the judge of the superior court if an appeal shall have been taken shall render judgment, so declaring, setting aside the order of condemnation awarding to the landowner the damages actually sustained and taxing the commission with all cost.

Proviso:  
assessment preceding work.

Proviso: right of election.

Audits and settlements.

SEC. 17. The board of county commissioners of Lee County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff, the county treasurer; and the said board of county commissioners may institute and prosecute any necessary action for recovery of any such road taxes in case an official fails to account for the same.

Expenses.

SEC. 18. All expenses incurred by the highway commissioners in account of meetings held by reason of duties imposed by this act shall be paid upon their order out of the funds provided for by this act.

Fraudulent orders misdemeanor.

SEC. 19. Any highway commissioners or superintendent making or causing to be made any fraudulent order, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both at the dis-

Punishment.

cretion of the court, and shall be removed from office. Any highway commissioner or superintendent neglecting or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not more than fifty (\$50) dollars nor imprisoned not more than thirty (30) days. Neglect of duty misdemeanor. Punishment.

SEC. 20. That in expending the funds raised under the provisions of this act, the said highway commissioners shall not expend in the township of West Sanford, East Sandford or Jonesboro a greater portion of the same than the pro rata portion of said fund due said townships according to the taxable property in each. Apportionment of expenditures.

SEC. 21. That the compensation of the said highway commissioners shall be the same in all respects as the compensation of the county commissioners of Lee County. Compensation of commissioners.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

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### CHAPTER 587.

#### AN ACT TO PLACE THE OFFICERS OF WILKES COUNTY ON SALARIES, AND TO APPOINT A FINANCE COMMITTEE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the superior court of Wilkes County shall be paid an annual salary of two thousand dollars (\$2,000) in full compensation for any services rendered by him in his said office, whether as clerk of the superior court, probate judge, or for any other work done by him in or by virtue of his said office, in lieu of the fees now allowed him by law, or which may hereafter be so allowed, which salary shall be paid by the treasurer of said county in monthly installments of one hundred and sixty-six dollars and sixty-six cents (\$166.66) on the first Monday of each month, and the clerk shall continue to collect all fees, costs and commissions as he has heretofore done and as are allowed by law; and he shall be responsible on his official bond for all fees, costs and commissions so collected by him, or which by law ought to have been so collected by him, and he shall pay over the same to the treasurer of said county monthly, on the first Monday in each month, and the said fees, costs and commissions collected and paid over by said clerk, shall be placed to the credit of the road funds of said county, after deducting therefrom the salary as above set forth, and if the fees paid over to the treasurer in any month do not amount to as much as the monthly salary hereinbefore provided for, the treasurer Salary of clerk. Monthly installments. Clerk to collect fees, costs and commissions. Responsible on bond. Monthly settlements. Surplus to road fund.

Deficit. shall pay such deficit out of the general county fund, and the said clerk shall file with the county commissioners of said county, on the first Monday in each month, a sworn, itemized statement of all such fees, costs and commissions collected or earned in his office and not collected by him during the previous month.

Itemized statements.

Salary of register of deeds.

SEC. 2. That the register of deeds of Wilkes County shall be paid an annual salary of two thousand dollars (\$2,000) in full compensation for all services rendered by him in his office or by virtue thereof, including the making up of the tax lists, acting as clerk of the board of county commissioners, entry taker, and for all other things or acts done or required to be done under color, or by virtue of his office, in lieu of all fees, allowances or other compensation whatsoever now allowed him by law, or which hereafter may be so allowed, which salary shall be paid in monthly installments of one hundred and sixty-six dollars and sixty-six and two-thirds cents (\$166.66 2-3) on the first Monday of each month by the treasurer of said county. The said register of deeds shall file a sworn, itemized statement with the county commissioners of said county, on the first Monday of each month, showing all fees and allowances, from whatsoever source, connected with his office, collected, or earned in his office and not collected, by him during the previous month, and shall pay over and account for the same to the treasurer of said county, and the said register of deeds shall collect all fees and allowances as he has heretofore done and as are allowed by law, or which may hereafter be so allowed, and shall be responsible on his official bond for all fees and allowances so collected, or which by law ought to have been so collected by him. All moneys paid over to the county treasurer by the register of deeds, after deducting and paying the salary above set forth, shall be placed to the credit of the road fund for said county; and if the fees paid over to the treasurer in any month do not amount to as much as the monthly salary hereinbefore provided for, the treasurer shall pay such deficit out of the general county fund.

Monthly installments.

Itemized statements.

Monthly settlements.  
Register to collect fees and allowances.  
Responsible on bond.  
Surplus to road fund.

Deficit.

Salary and fees of sheriff.

Monthly installments.

Itemized statements.

Monthly settlements.

SEC. 3. That the sheriff of Wilkes County shall be paid a salary of thirty-two hundred dollars (\$3,200) per year, and in addition thereto shall be allowed fees as now provided by law or which may be hereafter so allowed for keeping the county jail; which said salary shall be paid by the treasurer of said county in equal monthly installments, on the first Monday in each month, in lieu of all fees, costs or other allowances allowed him by law, or which may hereafter be so allowed; and the said sheriff shall make a sworn itemized statement to the county commissioners, on the first Monday in each month, showing all fees, costs or commissions, collected and received or earned in his office and not collected by him from whatsoever source, except from the jail, during the previous month; and he shall pay over on the said first Monday in each month, to the treasurer of said county, all such fees, costs, com-

missions and allowances so collected by him, or which by due diligence ought to have been so collected, and all moneys so paid over by said sheriff shall, after deducting and payment of salary as above set forth, be placed to the credit of the road fund for said county; and if the fees and commissions paid over to the treasurer in any month do not amount to as much as the monthly salary hereinbefore provided for, the treasurer shall pay such deficit out of the general county fund. The said sheriff may appoint such deputies for any of the townships in said county as he may deem necessary for the public good, and said deputies shall account for and pay over to the sheriff, and he to the treasurer, as heretofore provided, all fees, commissions, penalties and emoluments which may come into their hands by virtue of their office. Said sheriff shall also pay over to the said treasurer all fees, mileage and other allowances paid to him by the State of North Carolina, or by State institutions, for taking prisoners to the State Prison or insane persons to the State Hospital, deducting from the amounts paid to him the actual necessary expenses thereof; a sworn, itemized statement of which shall be filed with the commissioners of said county of Wilkes.

Surplus to road fund.

Deficit.

Deputies.

Allowances from State.

SEC. 4. That from and after the first Monday in April, nineteen hundred and eleven, there shall be a treasurer for the county of Wilkes, who shall give bond as required by law, and William G. Hall shall be treasurer until the first Monday in December, nineteen hundred and twelve. At the next general election in said county and every two years thereafter, a treasurer shall be elected for said county by the qualified voters thereof, under the same rules and regulations governing the election of other county officers; that the said treasurer of Wilkes County shall be paid an annual salary of six hundred dollars (\$600) in full compensation for all services rendered by him in his office or by virtue thereof, which salary shall be paid in monthly installments of fifty dollars (\$50), on the first Monday of each month. The said treasurer shall make a monthly itemized statement to the county commissioners on the first Monday of each month, showing the amount of money received by him during the previous month, and the amount on hand, which statement may, at the discretion of the county commissioners, be published for general information of the people of the county.

Treasurer.

Treasurer named.

Election of successor.

Salary.

Monthly installments.

Monthly reports.

SEC. 5. That the county commissioners of said county shall, on the first Monday in December, nineteen hundred and twelve, and biennially thereafter on the first Monday in December, appoint three discreet, intelligent and competent persons, two of whom shall belong to the opposite political party from that to which a majority of said county commissioners belong, which two shall be appointed upon the recommendation of the chairman of the executive committee of said county of the opposite political party from that of the majority of said county commissioners; that said three persons so appointed shall constitute a finance committee for said county,

Appointment of finance committee.

Political affiliation.

Duties.

who shall perform the duties prescribed by law for finance committees generally, and in addition thereto it shall be their duty to meet with said commissioners on the day or days set for their final settlements, and see that the same are properly made and that the proper and true record thereof be placed on proper books kept for that purpose. It shall be the further duty of the finance committee, and they shall have the power to inspect the offices and books of public officers of said county and show in their report the condition of all such offices and the books kept therein, to the county commissioners. It shall be the duty of said finance committee to bring and maintain any suit or action against any officer of said county, for the recovery of any sum or sums which they may discover to have been unlawfully used or misappropriated, or which any of said officers shall have failed to collect as by law they should have done. It shall be the duty of said finance committee to make and publish the annual financial statement heretofore to be made and published by the county commissioners, and they shall have the same published in a newspaper in the county, which will publish the same for the least price, and such report made by said finance committee relative to the officers and offices of said county to said commissioners, shall be published with said financial statement:

Further enumeration of duties.

Annual financial statement.

Committee named.

*Provided*, that A. M. Vanroy, R. L. Church and W. M. Lee are hereby appointed as such finance committee, who shall serve until the first Monday in December, nineteen hundred and twelve, or until their successors shall be qualified.

Investigation of former accounts.

SEC. 6. It shall be the further duty of said finance committee to inquire and investigate into the condition in office of all public officers of the county of Wilkes for the past eight years or longer, if in their judgment it shall be necessary, and report to the county commissioners and to the solicitor of the judicial district in which said county shall be situated any misappropriation of public funds, violation of law or malfeasance in office by any public officers.

Powers of finance committee.

SEC. 7. That said finance committee shall have the power to send for persons and papers and to administer oaths, and any persons failing to obey said summons or to produce any paper or books relating to, or supposed to relate to any matters before the said board, or who shall refuse to appear and give evidence on all such matters and things as he shall know of and concerning any matters, the investigation whereof is herein made the duty of the finance committee, shall be guilty of a misdemeanor, and upon conviction in the superior court shall be fined or imprisoned in the discretion of the court, and shall also be liable to a penalty of two hundred dollars (\$200) for each failure or neglect; to be recovered by a suit in any court of competent jurisdiction, in the name of said finance committee, for the benefit of the public school fund of Wilkes County. The said finance committee shall sit with the board of equalization and be members thereof.

Refusal to appear and testify a misdemeanor.

Punishment.

Penalty.

Board of equalization.

SEC. 8. That said finance committee shall have power, when in their judgment it shall be necessary, to employ a competent auditor to assist them in their duties and fix his compensation, to be paid by the county. They may also, when they deem it necessary, employ an attorney to advise them as to their duties and to prosecute any suit or matter in their behalf before the court. That said finance committee shall receive the same per diem and allowances for the time they are engaged in their duties as the commissioners of Wilkes County now receive.

Employment of auditor.

Employment of attorney.

Pay of committee.

SEC. 9. In case of a vacancy in said finance committee by death, resignation or otherwise, the said vacancy shall be filled in the same manner prescribed for election of said committee by the county commissioners of Wilkes County at their next monthly meeting after such vacancy occurs, that is, if the vacancy is made by death, resignation or otherwise, of one of the opposite political party from the majority of the county commissioners. The said commissioners shall fill said vacancy with the person recommended by the chairman of the county executive committee of the opposite political party to the one to which the majority of the board of county commissioners belong. Any refusal or neglect on the part of the county commissioners to do any and all things required of them in this act, relative to said finance committee, shall be a crime, punishable by a fine or imprisonment in the discretion of the court.

Vacancies.

Refusal or neglect by county commissioners a crime.

Punishment.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repeal clause.

SEC. 11. That this act shall be in force from and after the first Monday in December, nineteen hundred and twelve.

When act effective.

Ratified this the 4th day of March, 1911.

## CHAPTER 588.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF YADKIN AND FORSYTH AND TO AUTHORIZE SAID COUNTIES TO ERECT BRIDGES ACROSS THE YADKIN RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all that portion of Yadkin County included within the boundaries hereinafter set out, shall be and hereby is annexed to and made a part of the county of Forsyth. Said boundaries are as follows: Beginning on the line between the counties of Yadkin and Forsyth at the northeast corner of Little Yadkin Township, on the Yadkin River; thence down said river a distance of one mile; thence a straight line to the point where the public road from Lewisville to West Bend, sometimes called the

Part of Yadkin to Forsyth.

Boundaries.

Nading's Ferry road, crosses the county line; thence northwardly with the county line to the beginning.

Construction of bridge authorized.

SEC. 2. That the boards of commissioners for Forsyth and Yadkin Counties are authorized and empowered to construct and maintain one or more public bridges across the Yadkin River, at such places as may be mutually agreed upon by them, said bridge or bridges to be constructed and maintained by the said counties in the proportion that the taxable polls of each county bear to each other, or upon such other terms as may be agreed upon between said boards.

Location.

Apportionment of expense.

Condemnation of land.

SEC. 3. That the boards of commissioners of each county are empowered to condemn, in their respective counties, the necessary lands for the purpose of constructing public roads, and approaches leading to such bridge or bridges, wherever such lands shall not be donated, or the price thereof can not be agreed upon. The board of each county shall have authority to go upon the land to make necessary surveys, and after five days notice to the landowner may make and enter an order of condemnation, which order shall not be subject to review. The board shall then have the election to proceed at once with the work of construction. Any landowner who shall consider himself damaged, may, within sixty days after the completion of the work on or through his land, apply to the clerk of the superior court, upon five days notice to the board, for an assessment of damages. The clerk shall appoint three disinterested freeholders to act as jurors. After five days notice said jurors shall go upon the land to assess the damages, and in determining the damages the jury shall take into consideration the benefits, if any, to the land and make their report to the clerk of the superior court, who shall render judgment thereon. Either party may appeal to the superior court. If the board shall elect to have the damages assessed, before proceeding to the work of construction, they shall make application to the clerk for assessment of damages, and the proceeding shall be as hereinbefore set out: *Provided*, that the board may at any time before final judgment, abandon the proposed work, in which event judgment shall be rendered, striking out the order of condemnation and awarding to the landowner costs and such damages as may have been sustained.

Procedure for assessment of damages.

Right of appeal.

Assessment before beginning work.

Proviso: power of abandonment.

Funds for work.

SEC. 4. That the boards of commissioners of said counties are authorized to defray the cost of said bridge or bridges and roads leading thereto, out of the general fund or road fund of their respective counties, as may not be required for other necessary purposes; or if such funds are insufficient, said boards are authorized to annually levy and collect a special tax in their respective counties not to exceed ten cents on the one hundred dollars worth of taxable property and thirty cents on the polls, until the cost of said bridges and roads shall be paid.

Special tax.

Rate.

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

Ratified this the 4th day of March, 1911.

## CHAPTER 589.

## AN ACT TO PROTECT GAME IN CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners for Craven County are hereby constituted game protection commissioners for the county of Craven, for the better protection and preservation of game in the said county and to secure the better enforcement of the game laws of said county. Game protection commissioners.

SEC. 2. The said game protection commissioners shall prescribe the form of license for nonresident hunters, and shall furnish to the clerk of the superior court of Craven County all licenses and other blanks required under the game laws, and shall also furnish to the clerk of the superior court a bound book for the purpose of keeping a record of all hunters' licenses that may be issued. License for nonresidents.  
Record.

SEC. 3. Any nonresident of the State of North Carolina who desires to hunt, shoot or trap birds or other animals in any part of the said county shall make application to the clerk of the superior court of Craven County, who shall issue such a license upon payment of a tax of ten dollars for ten days and twenty-five dollars for the hunting season and the clerk's fees, amounting to fifty cents. The twenty-five dollars license shall expire on the termination of the hunting season as fixed for said county. The license shall be of such form as the game protection commission of the said county shall prescribe, and shall entitle the owner to hunt in the said county of Craven in the manner provided by law for hunting in said county. Any license granted under this act shall entitle the holder to hunt only in the county of Craven. Application for license.  
License fee.  
Term of license.  
Form and effect.

SEC. 4. The funds received by the clerk of the superior court or other person from the sale of hunters' licenses shall be turned over to the treasurer, to be set apart as a fund for the enforcement of the game law in said county. Fund for enforcement of game law.

SEC. 5. That the said board of county commissioners on the first Monday in May, one thousand nine hundred and eleven, and biennially thereafter, shall appoint a chief game warden for said county, who shall hold his office for a term of two years; that it shall be his duty to diligently enforce the game laws of Craven County, as hereinafter set forth. Chief game warden.  
Term and duty.

SEC. 6. That for more thorough enforcement of the game laws of the said county of Craven it shall be the duty of the chief game warden, upon the petition of three freeholders of any township in said county, to appoint deputy game wardens in said township. The compensation of said warden and his deputies shall be fixed by said commissioners. Deputy game wardens.  
Compensation of wardens and deputies.

SEC. 7. That every warden so appointed shall, before entering upon the duties of his office, take and subscribe before the clerk Wardens to qualify and give bond.

- of the superior court of Craven County an oath to perform the duties of said office, together with the other oath prescribed for police officers, and execute a bond in the sum of fifty dollars for the faithful discharge of his duties, and the said oath and bond shall be recorded by the clerk in his office, and the warden so qualified shall possess and exercise all the powers and authority held and exercised by the constable at common law and under statutes of this State: *Provided*, these powers shall only apply to the execution of any paper or papers and proceedings relative to game and game laws. The clerk shall not charge more than fifty cents for taking and recording said oath.
- SEC. 8. That the deputy game wardens shall receive the sum of two and one-half dollars for each nonresident license procured for such nonresident hunter, and for each conviction for the said game laws he shall receive the sum of two and one-half dollars, in addition to fees allowed by law for serving process and other acts as constable.
- SEC. 9. That the moneys paid out to the chief game warden or his deputies for convictions under this act shall be paid out of the fund for the enforcement of the game law by the treasurer of the county, in the same manner as the county funds are disbursed; and the amount due said wardens and deputies for collecting license taxes shall be retained by them when remitting license taxes to the clerk of the court.
- SEC. 10. That said wardens and deputy wardens shall have all the powers given in sections one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy of The Revisal of one thousand nine hundred and five and the duties enforced therein; and said sections shall be a part of this act, except that the funds derived from sales under section one thousand eight hundred and seventy shall be paid to the county treasurer and placed to the account of the fund for the enforcement of the game law.
- SEC. 11. That it shall be unlawful to sell or ship deer, quail, woodcock, snipe, doves, wild turkeys or squirrels killed in Craven County, in or out of said county, or to sell deer, quail, woodcock, snipe, doves, wild turkeys or squirrels, killed out of said county in said county for a period of two years from and after the ratification of this act.
- SEC. 12. That it shall be unlawful to hunt or kill in any manner quail, between the first day of March and the first day of the following December in any year.
- SEC. 13. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not more than thirty days.
- SEC. 14. That this act shall apply to Craven County only.
- Powers and authority.
- Proviso: limitation.
- Clerk's fee.
- Fees of deputy game wardens.
- Fund for payment of wardens.
- Powers under general law.
- Sale and shipment forbidden.
- Close season for quail.
- Misdemeanor.
- Punishment.
- Application of act.

SEC. 15. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, 1911.

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CHAPTER 590.

AN ACT TO PREVENT THE DEPREDATION OF DOMESTIC FOWLS IN STATESVILLE TOWNSHIP, IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person in Statesville Township, Olive Township, Iredell County, and in Peirce's Mill Township, Cumberland County, North Carolina, to permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large after being duly notified to keep said fowls up. Permitting fowls to run at large forbidden.

SEC. 2. That any person so permitting his fowls to run at large, after being notified to keep them up, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding \$5 (five dollars) or imprisoned not exceeding five days. Misdemeanor. Punishment.

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

Ratified this the 6th day of March, 1911.

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CHAPTER 591.

AN ACT TO ENLARGE THE TERRITORY OF HARNETT COUNTY BY ADDING THERETO A PORTION OF THE COUNTY OF CUMBERLAND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight of the Public Laws of eighteen hundred and fifty-five, being the act creating the county of Harnett, be and the same is hereby amended as follows: Strike out the words "thence a direct line to the mouth of Lower Little River" in lines five and six of section one thereof and insert in lieu thereof the following words, to wit: "Thence with the line of Sampson County, that is to say down the various courses of Black Mingo to Lightwood Knot bridge over said Black Mingo; thence a direct line to the mouth of Lower Little River." Line changed.

SEC. 2. That the territory hereby added to the county of Harnett shall be embraced in and constitute a part of Averagesboro Township. Averagesboro Township.

ship in said county of Harnett, and shall be subject to all the laws relating to said county and township.

Appointment of  
surveyors.

SEC. 3. That the board of commissioners of Harnett County and the board of commissioners of Cumberland County shall each at their respective sessions of said boards to be held on the first Monday in April, one thousand nine hundred and eleven, appoint a competent surveyor and the two surveyors so appointed shall without delay run off and definitely mark and establish the line between said two counties leading from the Lightwood Knot bridge over Black Mingo to the mouth of Lower Little River, and shall report the same to their respective boards at their sessions to be held on the first Monday in May, one thousand nine hundred and eleven. And their reports shall be recorded on the minutes of each of said boards and the line thus established shall be deemed and held to be the true line dividing said two counties as herein established: *Provided*, the expense of said survey shall be borne by the county of Harnett.

Report.

Record.

Proviso: expense.

Magistrates  
continued in office.

SEC. 4. That all justices of the peace residing in the territory hereby added to the county of Harnett shall continue to hold their said office, and shall be to all intents and purposes justices of the peace of Averagesboro Township, Harnett County, until the expiration of their term of office.

Jurisdiction of  
courts.

SEC. 5. That the jurisdiction of all causes, either civil or criminal, commenced or pending in the superior court of Cumberland County, prior to the ratification of this act shall not be affected by the same.

Taxes heretofore  
levied.

SEC. 6. That all taxes heretofore levied by the county of Cumberland on any of the subjects of taxation embraced within the territory hereby added to the county of Harnett, shall be and remain the property of and collectible by the county of Cumberland and the officers of said county of Cumberland shall have full and ample authority and power to enter upon said territory for the purpose of collecting or enforcing the payment of such taxes, and to that end shall remain clothed with all the powers heretofore vested in them by law: *Provided*, that the commissioners of Cumberland and Harnett County shall have full power and authority to properly adjust the share of the bonded and floating debt of Cumberland County outstanding on the first day of May, one thousand nine hundred and eleven, which is properly chargeable to said detached portion of Cumberland County, and to make an equitable levy of taxes therein to cover the same and provide for the collection and payment thereof.

Proviso:  
adjustment of  
debt.

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

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

Ratified this the 6th day of March, 1911.

## CHAPTER 592.

## AN ACT TAXING DOGS IN CASWELL COUNTY AND MAKING THEM SUBJECTS OF LARCENY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons owning or keeping a dog must pay annually on each dog so owned or kept a license or privilege tax of one dollar on each. The taxes shall be listed at the same time and places as personal property is listed.

SEC. 2. That any person who shall feloniously take, steal and carry away any dog upon which a license tax has been paid as hereinbefore provided, shall be guilty of larceny.

SEC. 3. That said tax shall be collected by the sheriff of Caswell County in the same manner and under the same penalties as other taxes are collected, and be turned over to the treasurer of said county for the use of the road fund, and that each township shall receive the tax accruing from this source in said township.

SEC. 4. Any person failing to list any dog as required in this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five and not more than ten dollars, or imprisoned not more than thirty days.

SEC. 5. That this act shall apply only to Caswell County.

SEC. 6. 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 this the 6th day of March, 1911.

## CHAPTER 593.

## AN ACT TO AMEND SECTION THREE THOUSAND AND SEVENTY-TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, ABOLISHING THE OFFICE OF STANDARD KEEPER FOR YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand and seventy-two of the Revisal of one thousand nine hundred and five shall not apply to Yadkin, Cumberland and Brunswick counties, and the office of standard keeper for said county is hereby abolished.

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

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

Ratified this the 6th day of March, 1911.

## CHAPTER 594.

## AN ACT TO FIX THE TIME FOR SETTTLING TAXES IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

State taxes.

SECTION 1. The sheriff of Beaufort County shall settle with the State Treasurer the amount of taxes due from the county of Beaufort on or before the first day in May of each year.

County taxes.

SEC. 2. He shall settle with the county of Beaufort for all taxes due said county on or before the first day of May in each and every year.

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 this the 6th day of March, 1911.

## CHAPTER 595.

## AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO THE STOCK LAW FENCE IN WHITE OAK TOWNSHIP.

*The General Assembly of North Carolina do enact:*

Boundary.

SECTION 1. That section one, chapter eight hundred and four of the Public Laws of one thousand nine hundred and five be amended by striking out all of section one of said act and inserting in lieu thereof the following: "Beginning at the Cape Fear River, D. B. Melvin's north line, and runs as the stock law fence now runs to the main road leading from White Oak to Ammon; thence down on the east side of the Willoughby Canal as near as practical to Ellis Creek; thence across said creek direct to the corner of E. F. McCullough's fence at or near the Ira Suggs house; thence direct across the McLeod hills to M. McL. Tatum's south line; thence with Tatum's south line direct to the original stock law fence; thence with the stock law fence as it now runs to Dawson's landing on the Cape Fear River."

Assessment.

SEC. 2. That section twelve of said act be amended as follows: By striking out all after the word "pay" in line one of said section down to the word "to" in line four thereof, and inserting in lieu thereof the following: "Such annual tax or assessment as said overseers in their discretion may find to be necessary, not to exceed two dollars on the one hundred dollars worth of property."

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

Ratified this the 6th day of March, 1911.

## CHAPTER 596.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE WORKING OF THE PUBLIC ROADS OF CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of said act be amended by adding at the end thereof the following: "That said trustee shall be allowed Pay of trustees. the sum of one dollar and fifty cents per day while engaged in the performance of the duties required under this act: *Provided*, that Proviso: limit. they shall not receive pay for more than four days in any one year."

SEC. 2. Strike out all of section nine after the word "resides" in line five, and insert in lieu thereof the following: "*Provided*, that Proviso: commutation. any person liable to such duty may pay to the supervisor the sum of two dollars in lieu of such labor, to be applied by said supervisor to the improvement of the roads in that district: *Provided*, Proviso: day's work. *further*, that ten hours shall constitute a day's work as required under this act."

SEC. 3. Strike out the word "ten" in line three of section fifteen Tax rate. and insert in lieu thereof the word "twenty."

SEC. 4. That this act shall only apply to Caswell County. Application of act.

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

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

Ratified this the 6th day of March, 1911.

## CHAPTER 597.

AN ACT TO INCORPORATE CERTAIN CHURCHES IN JOHNSTON, HARNETT AND SAMPSON COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand six hundred and seventy-one of The Code of one thousand eight hundred and eighty-three, Volume Two, be and the same is hereby re-enacted; that is to say, it shall be unlawful for any person, firm or corporation, keepers of licensed or regularly established stands and stores excepted, during the progress of religious exercises, to sell or offer for sale any article of traffic, prepared food, and provender only excepted, within one mile of such religious gathering. Huckstering forbidden.

Picture making  
forbidden.

SEC. 2. And it shall also be unlawful for any person, firm or corporation to engage in the business of taking or making photographs or pictures within one mile of such religious gathering during the progress of such exercises, regularly established stands and studios only excepted.

Misdemeanor.

SEC. 3. Any person, firm or corporation 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.

Punishment.

Application of act.

SEC. 4. That this act shall only apply to Black River and Bethsaida Primitive Baptist churches in Harnett County, Hornet, Mingo and Seven Mile Primitive Baptist churches in Sampson County, and Corinth, Hickory Grove, Oak Forest and Reedy Prong Primitive Baptist churches in Johnston County.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 598.

### AN ACT TO ESTABLISH IN THE TOWN OF DUNN A SPECIAL COURT TO BE CALLED THE RECORDER'S COURT AND TO PRESCRIBE ITS JURISDICTION.

*The General Assembly of North Carolina do enact:*

Special court  
established.

SECTION 1. That a special court for the trial of misdemeanors, and to be designated as the "Recorder's Court of Dunn," is hereby established.

Court of record.  
Recorder.

SEC. 2. That said recorder's court shall be a court of record, and shall be presided over by a recorder, who shall be a *bona fide* resident and a duly qualified voter of Harnett County. The said recorder shall be elected at the time and in the manner hereinafter prescribed, and shall hold his said office for a term of two years from the date of his election and until his successor shall be duly elected and qualified.

Election of  
recorder.

SEC. 3. That the board of commissioners of the town of Dunn shall, at its regular meeting to be held on the third Tuesday in the month of May, one thousand nine hundred and eleven, and biennially thereafter, elect some person, duly qualified hereunder, as recorder to preside over said court, which fact the mayor or the clerk of the town of Dunn shall certify to the board of commissioners of Harnett County at its session to be held on the first Monday in June next thereafter, and ask its concurrence in said election; and upon such concurrence therein said person shall be the duly elected recorder for said recorder's court of Dunn; and upon the

failure of the board of commissioners of Harnett County to concur in the action of the board of commissioners of the town of Dunn, said board of commissioners of Harnett County shall certify said fact to the board of commissioners of the town of Dunn, and shall call a joint session of said two boards, to be held at such time and place as the board of commissioners of said county shall designate, not later than the fifteenth day of June next thereafter, when and where said two boards shall jointly elect some person duly qualified hereunder to fill said office.

SEC. 3. That whenever the board of commissioners of said town of Dunn shall, in accordance with the provisions of the preceding section, elect a recorder, said board shall likewise proceed to elect a vice-recorder, who shall possess the same qualifications and hold office for the same term as the recorder; and said vice-recorder shall enter upon and discharge the duties of the office of recorder whenever the recorder, on account of sickness, absence from the town or other good and sufficient cause, shall be unable to do so, and he shall for the time be clothed with every power conferred by law upon the recorder. Vice-recorder.

SEC. 4. That before entering upon the discharge of their duties hereunder the recorder and vice-recorder so elected shall take and subscribe before some person by law authorized to administer oaths the oath required of judges of the superior courts of the State, and such oath so taken and subscribed shall be filed in the office of the clerk of the superior court of Harnett County. Recorder and vice-recorder to qualify.

SEC. 5. That the said recorder's court shall hold daily sessions, Sundays and legal holidays excepted, in the court room of the municipal building of said town, the first session to be held on the third Tuesday in June, one thousand nine hundred and eleven, and shall possess every power in the regulation and ordering thereof usually possessed by other courts of record in like cases. Sessions of court.  
Powers.

SEC. 6. That the said recorder's court is hereby vested with and shall exercise jurisdiction as follows: Jurisdiction.

(1) Exclusive original jurisdiction over all violations of ordinances of the town of Dunn committed within the limits of the town or within one mile thereof. Town ordinances.

(2) Exclusive original jurisdiction over all criminal offenses below the grade of felony as at present defined committed within the corporate limits of the town of Dunn or without the corporate limits of said town and within Averasboro or Duke townships in Harnett County. Offenses below felony.

(3) Concurrent jurisdiction with the courts of justices of the peace as committing magistrates, over all felonies committed within the corporate limits of said town, or without the corporate limits of said town and within Averasboro or Duke townships in Harnett County. Jurisdiction as court of committal.

- Process.** SEC. 7. That all prosecutions in the recorder's court shall be brought in the name of the State and upon such warrant or process as shall be hereinafter provided for.
- Trials.** SEC. 8. That the recorder shall try and determine all actions coming before him, jurisdiction of which is conferred upon said recorder's court by law; and whenever any defendant shall be sentenced to undergo a term of imprisonment or adjudged to pay fine or costs, or whenever any person at whose instance any prosecution shall have been begun shall be adjudged to pay the costs thereof, such defendants or prosecutor shall have a right of appeal to the superior court of Harnett County. When any defendant shall appeal from the judgment of the said recorder's court, his trial in the superior court shall be *de novo*. Appeals from judgments taxing prosecutors with cost shall be heard in the superior court in the same manner as like appeals from judgments of justices of the peace are now heard.
- Right of appeal.**
- Trials on appeal.**
- Seal of court.** SEC. 10. That the recorder's court shall have a seal bearing the inscription "Recorder's Court of Dunn, State of North Carolina," and said seal shall be affixed to all writs, process and precepts of said court required by law to be attested by seal.
- Issue of process.** SEC. 11. That the recorder may, in his name, issue the writs, process and precepts of the recorder's court to the chief of police or any other policeman of the town of Dunn, or to the chief of police or any other lawful officer of any other city or town in this State, or to the sheriff or any constable or other lawful officer of any county in this State; and any such writs, process or precepts, without seal, shall run anywhere in Harnett County, and when attested by seal of said court, anywhere in the State of North Carolina, and shall be executed by any officer above named to whom it may be directed.
- Warrants issued by justices.** SEC. 12. That justices of the peace of Averagesboro and Duke Townships in Harnett County may issue their warrants in the same manner as now provided by law, for any person or persons charged with the commission of any criminal offense, jurisdiction of which is hereby conferred upon said recorder's court, which warrants shall be returnable to the said recorder's court within thirty days from the issuing thereof.
- Recorder's fee.** SEC. 13. That in every case within the original jurisdiction of the recorder's court which shall be tried or disposed of by said court, a special recorder's fee of three dollars may be taxed in the bill of costs as other costs are taxed, and such fees when collected shall constitute a fund from which the cost of maintaining such court shall be defrayed, and as collected shall be paid over to the treasurer of the town of Dunn for such purpose; such other costs shall be allowed in the recorder's court as are in like proceedings allowed in the courts of justices of the peace: *Provided*, that all costs for the issuing of any warrant, subpoena, or other process by any jus-
- Other costs.**
- Proviso: fees to justices and officers.**

tie of the peace returnable to said recorder's court, and for the service of any process of any kind returnable to said court, shall belong to and be the property of the justice of the peace issuing the same and to the officer serving such paper, as the case may be, and such cost shall be paid to them respectively by the proper authority when collected either from the defendant or from labor as herein-after provided: *Provided, however,* that any costs which shall be due and payable hereunder to any salaried officer of the town of Dunn shall be paid to the treasurer of said town of Dunn for the uses of said town.

Proviso: fees of salaried officers.

SEC. 14. That all judgments, orders and decrees of the said recorder's court shall be of the same force and validity as like judgments, orders and decrees of other courts of the State exercising like jurisdiction. Said recorder's court, in all proceedings for contempt and as for contempt in matters affecting said court, shall possess every power conferred by law upon other courts of record in like proceedings; and said court is hereby clothed with every other power usually possessed by other courts of record of this State which may be necessary for the fullest and freest exercise of the specific powers herein conferred.

Force of judgments.

Proceedings in contempt.  
Powers of court.

SEC. 15. That the recorder in sentencing any person convicted in said recorder's court of any offense punishable by law with imprisonment in the common jail, may, in his discretion, sentence such person to imprisonment in the town prison, to be worked upon the public streets or other public works of the town of Dunn, or upon the public roads of the Dunn road district or of Harnett County; or to be imprisoned in the common jail of Harnett County, to be worked upon the public roads of said county or of said Dunn road district, or of any county of the State which shall have made provision for working its public roads with convict labor. In all cases where judgment shall be entered up against any person or persons for fines or penalties under the laws of the State and the ordinances of the town of Dunn, and the person or persons against whom the same is adjudged refuses, fails or is unable to pay such judgment, fine or penalty, it shall be lawful for the recorder of said court to order and require such person or persons to be worked upon the public roads of the Dunn road district or upon the public roads of Harnett County, until, at a fair rate of wages such person or persons shall have worked out the full amount of said judgment and costs.

Sentences.

Road work in payment of fines and penalties.

SEC. 16. That the recorder shall keep or cause to be kept in books furnished for that purpose by the town of Dunn, a true and perfect record of all proceedings of the recorder's court, the name, place of residence and post-office address, if known, of any person brought before said court, the warrants issued, the nature of the offense charged, the date of hearing or trial, the punishment imposed and the disposition of each case with the amount of costs taxed therein;

Record of proceedings.

- Files. he shall regularly file, or cause to be filed, the papers in every case docketed in said court; he shall from time to time submit such Reports. reports and furnish such statements as to matters appertaining to his said office as the board of commissioners of the town of Dunn may call for; and he shall surrender to his successor in office, when Surrender to successor. duly elected and qualified, the common seal of said court and all the records thereof.
- Collection of fines and costs. SEC. 17. That the recorder shall require the chief of police, the town clerk, or such other officer of said town as may be designated for the performance of such duties by order of court, or by resolution of the board of commissioners of the town of Dunn, to collect and account for all fines imposed and all costs taxed in the recorder's court; and such officer shall discharge the aforesaid duty under the supervision and control of said court.
- Clerk of court. SEC. 18. That the clerk of the town of Dunn shall be *ex officio* clerk of the recorder's court, and as such he shall discharge such clerical duties in connection with said court as may be assigned to him by said recorder.
- Prosecuting attorney. SEC. 19. That the board of commissioners of the town of Dunn may, whenever deemed necessary, appoint a prosecuting attorney for said court, and such prosecuting attorney shall, while in the discharge of the duties of his said office, be clothed with every power necessary for the proper discharge of the duties thereof: *Provided*, that should the board of commissioners fail to exercise the powers of appointment herein conferred, the recorder may, in special cases, appoint a prosecuting attorney whenever in his judgment the orderly administration of public justice will be promoted thereby. Such prosecuting attorney, when so appointed, shall receive as compensation the same fees now allowed superior court solicitors in like cases, the same to be taxed in the bill of costs and collected as other costs: *Provided, however*, in cases of which the recorder's court has not final jurisdiction, and in cases in which an appeal to the superior court is taken, such allowance shall be subject to the supervision of the judge of the superior court.
- Powers. Proviso: special appointments.
- Fees. Proviso: supervision of judge of superior court.
- Recorder and vice-recorder may practice law. SEC. 20. That the recorder and the vice-recorder elected and holding office under the provisions of this act shall not, by virtue of their respective offices, be prevented from practicing law in matters which they are in no way connected with by reason of their said offices respectively.
- Mode of payment of recorder. SEC. 21. The board of commissioners of the town of Dunn shall at the time of electing a recorder have the right, in their discretion, to designate the manner of compensation of said recorder, whether the same shall be from the fees allowed hereunder or from a fixed salary to be paid by the town of Dunn, and in the event they shall designate a fixed salary, to determine the amount thereof: *Provided, however*, said salary shall not be less than twenty-five nor more than seventy-five dollars per month.
- Proviso: limit of salary.

SEC. 22. That whenever any vacancy shall occur in the office of recorder or vice-recorder the board of commissioners of the town of Dunn shall, at its next regular meeting, proceed to fill the same in the same manner as provided hereinbefore for the election of a recorder and a vice-recorder: *Provided*, that any recorder or vice-recorder so elected shall hold office for the unexpired term of his predecessor. Should both the offices of recorder and vice-recorder become vacant at the same time, the mayor of the town of Dunn shall act as recorder until a recorder shall have been duly elected and qualified as herein provided.

Vacancies.  
Proviso: term of office.  
Mayor to act as recorder.

SEC. 23. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

#### CHAPTER 599.

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF HOKE COUNTY TO ISSUE ROAD BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of building, grading, macadamizing and otherwise improving the public roads of Hoke County, the board of commissioners of said county are hereby authorized and empowered to issue bonds of said Hoke County, not to exceed the sum of fifty thousand dollars, to draw such rate of interest and to mature at such time or times and to be payable at such place or places as said board of commissioners may determine.

Bond issue authorized.  
Amount.  
Interest and maturity.

SEC. 2. That the proceeds of said bonds shall be used by the board of commissioners of said county for the purpose of grading, building, macadamizing and otherwise improving the public roads of said county.

Use of bonds.

SEC. 3. That said board of commissioners are hereby authorized and empowered to levy annually a special tax of sufficient sum to pay the interest on said bonds as it becomes due and the principal at maturity: *Provided*, the county commissioners be and the same are hereby authorized to let out by contract for repairs the roads improved under the provisions of this act, or any public roads within said county.

Special tax authorized.  
Proviso: road may be let to contract.

SEC. 4. Said board of commissioners shall sell said bonds in such manner as to it may seem best, at either public or private sale.

Sale of bonds.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 600.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ORANGE COUNTY TO SUBMIT TO THE VOTERS OF THE COUNTY THE QUESTION OF ISSUING BONDS TO MAKE AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Election on bond issue authorized.

SECTION 1. That the board of commissioners of Orange County be and it is hereby empowered to submit to the voters of Orange County, at such time or times as in its discretion it may deem best, the question whether said county shall issue bonds in the sum of two hundred and fifty thousand dollars (\$250,000), with interest coupons attached, the proceeds of which to be used in repairing, grading, improving and macadamizing the public roads of said county. The said board of commissioners shall, for at least thirty days before the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in said county: *Provided*, that if a majority of the voters of said county shall not vote to issue bonds at the election so held, said board of commissioners may submit the said question to said voters at any other time or times, under the regulations hereinafter set out.

Amount.

Use of proceeds.

Notice of election.

Proviso: successive elections.

Law governing election.

SEC. 2. That any election under the provisions of this act shall be conducted in the same manner as is now, or may hereafter be prescribed by law for holding elections for the General Assembly: *Provided, however*, that the said board of commissioners shall appoint the registrars of election, the judges or inspectors and any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now, or may hereafter be provided for the election of members of the General Assembly, and said county commissioners may or may not order a new registration for any or all of said elections. The vote shall be counted at the close of the polls and returned to the said board of commissioners on the Thursday next following the election, and said board shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of said board of county commissioners, and no other recording and declaring of the result of the election shall be necessary.

Proviso: election officers.

Registration and challenges.

New registration.

Count and return of vote.

Canvass and record.

Ballots.

SEC. 3. That at said election, or elections, the ballots tendered and cast by the voters shall have written or printed upon them "For Good Roads Bonds Issue" or "Against Good Roads Bond Issue," and all electors who favor the issuing of said bonds shall vote for good roads bond issue and those opposed to the issuing of the bonds shall vote against good roads bond issue.

SEC. 4. In the event that the majority of the votes cast shall be for good roads bond issue at any election held under this act, the result shall be recorded and declared as aforesaid, and the board of county commissioners shall at its regular meeting next following such declaration, elect nine qualified voters of said county, one from each of the townships, except Hillsboro and Chapel Hill, and two each from them to be known as the good roads commission of Orange County, who shall hold office for two years from their election, and until their successors are qualified, the said board of commissioners to fill all vacancies occasioned by expiration of term of office, death, resignation or failure to qualify, or any other cause: *Provided*, that at least three members of said good roads commission shall be of the majority political party casting the highest vote at the last election for county officers. As soon as practicable after their election the members of the good roads commission shall qualify by taking the oath of office before some person authorized to administer oaths, meet and organize by electing one of their members chairman and another secretary and some suitable person treasurer. The treasurer shall not be allowed fees, but his salary shall be fixed by the good roads commission at a sum not exceeding six hundred dollars per annum. The members of the good roads commission shall each be paid, out of the road fund of the county, the same per diem and mileage as those of the county commissioners: *Provided*, they shall be paid this for only one day in each month, if they should meet so often, or not to exceed twelve days in one year.

Election of good roads commission.

Term of office.

Vacancies.

Provide: Political affiliation.

Commissioners to qualify and organize.

Organization.

Salary of treasurer.

Pay of road commissioners.

Provide: limit.

SEC. 5. The highways to be made, opened, built or improved by the good roads commission, under the provisions of this act, shall from time to time be designated by said commission and the board of county commissioners in joint session, but their location shall be made only after the submission of plans, specifications, profits and estimates by a competent and expert road engineer. In designating said highways said joint meeting shall take into consideration the needs of the entire county and every part thereof, opening, or improving those highways, which in their opinion will be of benefit to the greatest possible number of the people of the county. To the end that this may be properly done said good roads commission is expressly authorized to employ an expert road engineer, at a compensation to be fixed by it and to be paid out of the general fund to be raised under this act, to advise it and the board of commissioners in the preliminaries to make plans and specifications for the work and to have general oversight of the work, that it may be properly done.

Selection of highways.

Location.

Considerations governing selection.

Employment and compensation of engineer.

SEC. 6. In the event that the majority of the votes cast shall be for the bond issue at any election herein provided for, after the result has been declared and recorded as aforesaid, the board of commissioners of the county shall have bonds prepared of the denomination of one thousand dollars, five hundred dollars, or one

Bond issue.

Denominations.

Amount. hundred dollars, as they may deem best, the total amount being that provided for in the first section of this act. The said bonds shall bear a rate of interest to be determined by the board of commissioners, not exceeding five per cent per annum, with interest coupons attached, payable semi-annually during the time the bonds shall run, with the principal payable forty years from their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Orange County, in the town of Hillsboro, North Carolina. Both bonds and coupons shall be numbered consecutively, beginning with number one, and both shall be signed by the chairman of said board of commissioners and countersigned by its clerk, and each bond shall be authenticated by the seal of the county, and they shall be styled Orange County highway improvement bonds.

Interest.

Maturity.

Authentication.

Delivery to road commission. SEC. 7. Immediately upon the preparation and signing of said bonds, the said board of county commissioners shall turn over to the chairman of the good roads commission all of said bonds, without the county seal having been affixed to any of them, except enough of them to make the full sum of twenty thousand dollars. The good roads commission shall have the power to advertise and sell any or all of said bonds, except the twenty thousand above noted, at such time and place as they may deem best, for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expense of such advertising and selling or other necessary expenses in regard thereto, to be paid out of the fund arising from the sale thereof. Before delivering any of the bonds sold by the provisions of this section and under this act, the chairman of the good roads commission shall apply to the custodian of the seal of Orange County, whose duty it shall be to affix said county seal to the bonds so sold, and no bonds shall be of any value until such seal is so affixed. Said bonds shall not be sold or disposed of in any way for less than their face value, nor shall they or their proceeds be used for any other purpose than those declared by this act: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of the fund. Said bonds 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 where payable, and the bonds shall show by what authority they are issued. The good roads commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold, the number of bonds and their denominations, to whom sold, and the number of coupons attached. Said minutes shall always be open to the inspection of the board of county commissioners.

Sale of bonds.

Bonds sealed as sold.

Bonds not to be sold below par.

Specific appropriation. Proviso: responsibility of purchasers.

Record.

Hillsboro and  
Chapel Hill  
townships.

SEC. 8. Whereas, Hillsboro Township has outstanding forty thousand dollars of bonds, the proceeds of which have been expended in

making permanent macadam roads in said township; and, whereas, Chapel Hill Township has expended about five thousand dollars in permanent road improvement, the proceeds of taxes levied in that township only; and, whereas, it is desired to make the whole road improvement scheme a county instead of a township movement, the board of county commissioners of Orange shall deliver to the chairman of the board of road commissioners of Hillsboro Township twenty thousand dollars of the bonds authorized by this act, properly signed and sealed, to be substituted for twenty thousand of the forty thousand dollars of said township bonds now outstanding, if the holders thereof will consent thereto; if the holders will not consent to the change, then said bonds are to be placed on special deposit in the safety deposit vaults of some banking institution to be selected by the board of county commissioners, the coupons thereon to be paid by the county treasurer as they become due, the money arising therefrom to be devoted to the payment of the interest on the township bonds so far as it will go, the excess of interest on the township bonds, and amount required for sinking fund, to be paid out of the Hillsboro Township road fund, while the bonds themselves are to be retained for the redemption of twenty thousand dollars of the outstanding forty thousand dollars of township bonds. When the county bonds are sold as provided in section seven of this act, five thousand dollars of their proceeds shall be set aside in the hands of the treasurer of the good roads commission as a fund to be used under this act, by the good roads commission in making permanent improvements upon the roads of Chapel Hill Township and not otherwise.

Bonds for Hillsboro township.

Appropriation for Chapel Hill Township.

Proceeds of bonds to treasurer.

SEC. 9. When any of the bonds provided for in this act are sold the proceeds of the sale shall be turned over to the treasurer of the good roads commission, who shall keep said funds separate from all other funds and keep separate accounts of the same. Said treasurer shall, annually, before any fund provided for in this act is paid over to him, execute an official bond payable to the county of Orange, in the usual form, the penal sum to be equal to the greatest amount which may at any time come into his hands during the succeeding year, conditioned for his faithful safekeeping of the same and in all things holding, disbursing and accounting for the same as required by law, which bond shall be passed upon and received by said good roads commission if the same is satisfactory to it. All orders directed to the treasurer for the payment of money under this act shall state on their face that they are good roads orders and to what account they are chargeable, and they shall be signed by the chairman and secretary of said good roads commission.

Separate funds and accounts.

Bond of treasurer.

Good roads orders.

Road tax.

SEC. 10. In case the election shall be in favor of issuing bonds as aforesaid the board of county commissioners shall levy annually the first Monday in June a separate road tax for the county of not more than thirty-five cents on the hundred dollars worth of property and not less than twenty-five cents, and also in Hillsboro Township

Rate.  
Rate in Hillsboro township.

- such additional tax as may be required to pay interest and for sinking fund on the bonds of said township not provided for in this act, recommended by board of road commissioners, the subject of taxation and the levying of the taxes to be the same as those on which the board of county commissioners are now or may hereafter be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund to be applied, first, to the interest on said bonds; second, to the opening and improving of the public roads under the provisions of the present road law of the county; and, third, to the creation of an adequate sinking fund for the redemption of said bonds. The sinking fund shall be held by said board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The board of county commissioners shall manage and invest the fund at their discretion until paid out for the redemption of bonds in the manner set out in this act: *Provided, however*, the said board may, in their discretion, from time to time, use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.
- Collection.
- Application.
- Sinking fund.
- Management and investment of sinking fund.
- Proviso: purchase of bonds.
- Use of funds.
- Convicts assigned to road work.
- Employment of convicts.
- Expense.
- Details of highways.
- Election and compensation of highway superintendent.
- SEC. 11. The said good roads commission shall use the funds derived from the sale of said bonds, except the five thousand dollars above specified, to construct and improve the public highways in said county, and shall purchase and hold or contract for the use of such tools, machinery, implements and stock, and employ such contractors, overseers, foremen and laborers as they may deem necessary for the said purpose. Persons convicted in any of the courts of the county, superior, justices or mayor's courts, and sentenced to the public roads, may be assigned by the board of county commissioners into the custody and control of the good roads commission. Said convicts, while in the custody and under the control of the said good roads commission, shall employ in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the fund derived from the sale of bonds.
- SEC. 12. The highways in said county, constructed or improved under this act, shall have a right-of-way of not less than forty feet, which shall be free from logs, stumps, rocks and drains, not less than twenty or more than forty feet wide, at least nine feet of which shall be macadam or sand clay or gravel and the whole of which shall be as straight as practicable and with no grade over five per cent except as such grade is considered impracticable by the road engineer.
- SEC. 13. As soon as the good roads commission shall deem it necessary they shall elect by ballot a highway superintendent for the county of Orange and fix his compensation. The result of said elec-

tion shall be declared and recorded in the proceedings of said good roads commission. The person so selected shall take and subscribe an oath for the faithful performance of his duty as such highway superintendent, and shall execute an official bond in the sum of two thousand five hundred dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as such officer. He shall hold his office for two years and until his successor qualifies, except that the good roads commission may for good cause remove him from his said office and elect a successor for the unexpired term. He shall enter upon his duties and work when and where directed by said good roads commission, and shall have such authority and perform such duties as may be from time to time determined by said good roads commission.

Term of office.

Authority and duties.

SEC. 14. The treasurer of the good roads commission shall on the first Monday in each and every month post at the court-house door of said county an itemized statement showing in full an account of his receipts and disbursements for the previous month, and the good roads commission shall require him to account to them quarterly each year for the said highway fund, and it may require as often as deemed best reports from officers and employees concerning their progress and their duties, and to what extent and in what manner they have performed the same.

Publication of statements.

Quarterly accounts.

Reports.

SEC. 15. In opening new highways, widening and straightening old roads and repairing the same, the good roads commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways. If the good roads commission and the owner or owners of said land can not agree as to the damages, if any, the good roads commission shall after sixty days after said highway is completed cause to be summoned five indifferent freeholders of said county, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided, however,* that before entering upon lands as authorized by this section, it shall be the duty of the good roads commission to serve notice upon the owner or owners of said land, notifying them that the highway is to be located upon said land under authority of this act.

Entry on lands.

Assessment of damages.

Proviso: notice to landowners.

SEC. 16. The board of commissioners of Orange County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff, the county treasurer, and said board of county commissioners, and may institute and prosecute any necessary action for recovery of any such road taxes in case any officer fails to account for the same.

Audit and settlement of accounts.

SEC. 17. All expenses incurred by the good roads commission on account of meetings held by reason of duties imposed by this act shall be paid upon their order out of the funds provided for by this act.

Expenses of meetings.

- Highway defined.** SEC. 18. The term "highway" shall be understood to mean all public roads designated as such under the provision of section five of this act.
- Making or paying fraudulent orders felony.** SEC. 19. Any good roads commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund, or any treasurer knowingly paying any fraudulent order, shall be guilty of a felony and shall be fined or imprisoned, or both, at the discretion of the court, and shall be removed from office.
- Punishment.**
- Power of removal.** SEC. 20. The board of county commissioners may for good and sufficient cause remove any one or more of the good roads commissioners, and the vacancy or vacancies shall be filled as provided in this act.
- Road duty abolished.** SEC. 21. If a majority of the voters of the county shall vote for the good roads bond issue, then, in that event, all laws or clauses of laws, allowing compulsory labor upon the public roads of said county, except after conviction for crime, are hereby repealed. The enactment of this law shall not operate as a repeal of the general road law of Orange County, or any special act for any of its townships: *Provided, however,* that if a majority of the voters of Orange County shall vote for good roads bond issue, only those portions of the general road law of the county or the special acts for the townships which are in conflict with this act are hereby repealed: *Provided, further,* that all special road acts for Chapel Hill and Cedar Grove townships shall be and herewith are repealed.
- Laws not repealed.**
- Proviso: conflicting laws repealed.**
- Proviso: special acts repealed.**
- Money to be turned over by township.** SEC. 22. That any moneys in the treasury of Chapel Hill or Cedar Grove townships to the credit of the road funds of these townships at the time this act becomes effective shall be turned over to the treasurer of the good roads commission, but they shall be kept separate from the regular fund and shall be expended for good roads work in these townships respectively from which sums were received; and any moneys in the county treasury to the credit of the road funds of any of the balance of the townships of the county shall be turned over to the treasurer of the good roads commission to be expended for good roads work in these townships.
- Separate funds.**
- Moneys from county treasury.**
- State aid to be accepted.** SEC. 23. If any act shall be passed at this or any subsequent session of the General Assembly authorizing the State to loan money to the counties to aid in building or improving public roads, taking county bonds as collateral for said loan, then the board of county commissioners of Orange County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.
- SEC. 24. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 25. This act shall take effect from and after its ratification. Ratified this the 6th day of March, 1911.

## CHAPTER 601.

AN ACT FOR THE RELIEF OF THE ROADS OF MINERAL SPRINGS TOWNSHIP, IN RICHMOND COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Richmond County, North Carolina, are hereby authorized and empowered to reimburse and save harmless certain gentlemen of said county on account of the signing and execution of a note in the sum of one thousand dollars (\$1,000), the proceeds of said note being used for the extension, completion and maintenance of the public roads of the said Mineral Springs Township, in Richmond County, North Carolina. Reimbursement authorized.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 602.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO AN ACT FOR THE BETTER WORKING OF THE PUBLIC ROADS OF DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section fourteen of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding to said section the following: "Provided, that if so petitioned in the call for the election, road hands shall not be exempt from road duty." Proviso: road duty.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 603.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIVE, LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO COTTON WEIGHERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and five (205), Public Laws of one thousand nine hundred and five, be and the same is hereby amended by

striking out the words "city of Raleigh" wherever they appear and inserting in lieu thereof the words "Raleigh Township."

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 this the 6th day of March, 1911.

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#### CHAPTER 604.

AN ACT TO MAKE DEFINITE, BY CHANGE, THE BOUNDARY LINES BETWEEN THE TOWNSHIPS OF NORTH WILKESBORO AND REDDIE'S RIVER, IN WILKES COUNTY.

*The General Assembly of North Carolina do enact:*

Course changed.

SECTION 1. That the Public Laws of one thousand eight hundred and ninety-three of North Carolina, chapter four hundred and twenty-five, be amended as follows, to wit: by striking out the word "west" in line seven, of section second thereof, and insert the word "south" in lieu thereof.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 605.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-NINE, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND NINE, AND PROVIDE FOR AN ELECTION ON A BOND ISSUE FOR ROAD IMPROVEMENT IN MANNING'S TOWNSHIP, NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Bond of treasurer.

SECTION 1. That chapter one hundred and sixty-nine, Public Laws one thousand nine hundred and nine, be amended as follows: In section six, lines fourteen and fifteen, strike out the words "the sum of one thousand dollars" and insert in lieu thereof the words "such sum as may be required by the Manning's Township road supervisors."

Bridges.

Add at the end of section seven, "the cost of building and repairing bridges, costing more than ten dollars, shall be paid out of the

general funds of Nash County: *Provided*, the board of commissioners of Nash County shall so direct.” Proviso: direction of county commissioners.

Add after section fifteen new section number fifteen and one-half, as follows:

Sec. 15½. That the board of road supervisors of Manning’s Township, the board of county commissioners concurring, shall be and are hereby authorized and empowered to issue bonds of Manning’s Township, to be styled “Manning’s Township Road Bonds,” to an amount not to exceed twenty thousand dollars, of such denomination and such proportion as said road supervisors may deem advisable, bearing interest from the date of issue thereof, at a rate not exceeding six per cent per annum, with interest coupons attached, payable annually or semi-annually, as may be deemed best, at such time or times and at such place or places as may be deemed advisable by said road supervisors; said bonds to be signed by the chairman and clerk of said road supervisors for Manning’s Township, and to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as said road supervisors may determine. None of said bonds shall be disposed of for a less price than their par value, and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds, together with all interest that may be due thereon, shall be attached to and imposed upon the division of Nash County herein named and designated as Manning’s Township: *Provided, however*, that the provisions of this section shall first be submitted to a vote of the qualified voters of Manning’s Township, at an election to be held on a day to be designated by said road supervisors for Manning’s Township. For the holding of said election the board of county commissioners of Nash County shall appoint a registrar and such pollholders and officers as may be necessary, and said registrar shall be provided with registration book and shall register all duly qualified voters applying for registration whose *bona fide* residence is in Manning’s Township. On the day designated the said registrar and pollholders shall meet at the usual voting place in said township, and after being duly sworn shall hold said election. At said election all voters who shall favor the issue of bonds, as provided in this section, shall cast ballots on which shall be printed or written “For Good Roads Bonds,” and those opposed to such shall cast ballots on which shall be printed or written “Against Good Roads Bonds.” In all other essential respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly, and the qualification of electors shall be the same as prescribed in the general election law. When the election shall be finished the registrar and pollholders shall open the

Bond issue authorized.

Amount.

Denominations.

Interest.

Authentication.

Maturity.

Bonds not to be sold below par.

Liability for payment.

Proviso: bond issue subject to vote.

Election officers.

Registration.

Election.

Ballots.

Law governing election.

Count of votes  
and declaration of  
result.

Record.

Proviso: further  
election.

Cost of election.

Proviso: provision  
for interest and  
sinking fund.

box and count the ballots and declare and record the result. The said registrar and pollholders, after counting the ballots, shall declare the result, making written record of the same, and shall deliver a certified copy of such record to the clerk of the superior court and the register of deeds of Nash County, and the same shall be properly recorded, and no further record of same shall be necessary. If a majority of the qualified voters of Manning's Township shall vote for "Good Roads Bonds," then said bonds shall be issued, and the other powers and duties shall be exercised as provided in this section: *Provided*, if a majority of said registered voters shall fail to vote for "Good Roads Bonds," another election or elections may be held under this act at any time within four years of the date of the first election. The cost of holding said election shall be paid by the road supervisors of Manning's Township out of any money belonging to said road district: *Provided, further*, that if the election for Manning's Township road bonds is carried the Manning's Township road supervisors may and are hereby authorized to use so much of the money authorized to be collected in this chapter as may be necessary for the payment of the interest on said bonds and provide a sinking fund for the payment of the said bonds at maturity.

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

Ratified this the 6th day of March, 1911.

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## CHAPTER 606.

### AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Election by  
county, townships  
or road districts.

Petition for  
election.

Time of calling  
election.

SECTION 1. That the board of commissioners of Duplin County, in order to provide a fund for building, improving or maintaining the public roads of Duplin County or any township in said county or any special road district in said county setting forth well defined boundaries of said district, be and is hereby authorized and directed whenever petitioned so to do by one-fifth of the qualified voters of Duplin County or any township of said county or any special road district of said county, to submit to a vote of the qualified voters of said county, township or district so petitioned the question as to whether the road commissioners as hereinafter provided shall issue bonds to be paid out of the taxes collected from said county, township or district; said board of commissioners shall call said election at the first special or regular meeting after the filing of the petition aforesaid, and shall for thirty days preceding said election give

public notice thereof in some newspaper published in said county, if there be one published in said county, and by notices posted in the townships or districts of said county. That said election shall be held in the manner and under the same regulations prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that all duly qualified voters who may have become entitled to register and vote since the last election for members of the General Assembly shall be entitled to vote in said election. The vote shall be counted at the close of the polls and returned on the next Monday after said election to the clerk of the board of commissioners and shall be recorded by said clerk in the minutes of the board and no other recording or declaration of the results of said election shall be necessary: *Provided,* that no township or district shall vote separately on the same day that election is held for the county.

Notice of election.  
Law governing elections.  
Proviso: voters.  
Count, return and record of vote.  
Proviso: district and county elections separate.

SEC. 2. That at said election the ballot shall have written or printed thereon the words "For Good Roads" and "Against Good Roads." All those voting who favor the issuance of said bonds and the levy of the special tax shall vote a ballot "For Good Roads"; and all those voting who are opposed to issuing said bonds and levying the special tax shall vote a ballot "Against Good Roads."

Ballots.

SEC. 3. In the event that a majority of the qualified voters of said county or of any township in said county or any district in said county petitioning for an election as set forth in section one shall vote "For Good Roads" at said election, the board of county commissioners shall issue bonds in such denomination as they may determine aggregating the amount specified in the petition and running for the number of years specified in the petition. The said bonds shall bear a rate of interest not exceeding six per cent per annum, with interest coupons attached, payable semi-annually on the first day of May and on the first day of November of each and every year until their maturity. Said bonds and coupons shall be payable at such place as the board of commissioners may designate and shall be signed by the chairman of said board of commissioners and attested by the secretary and sealed with the common seal of said board of commissioners. The said bonds shall be issued and sold by the board of commissioners at such time and in such manner as the said board desires, but none of them shall be sold for less than their face value. When the said bonds shall be issued they and the attached coupons shall be numbered consecutively and shall state on their face when they are due and payable and shall show by what authority they are issued.

Bond issue.  
Denominations and amount.  
Interest.  
Authentication.  
Issue and sale.  
Bonds not to be sold below par.

SEC. 4. The proceeds from the sale of said bonds and from the special tax authorized under this act shall be turned over to the county treasurer, who shall keep said bonds separate from all other funds and shall keep separate accounts of the same, and the said county treasurer shall before any funds authorized by this act are

Fund paid to county treasurer.  
Separate accounts.

- Bond of treasurer. deposited with him execute a sufficient bond as other bonds to cover said fund, and all orders drawn on the treasurer for the payment of any of the fund provided for under this act shall specify for what purpose the said order was drawn.
- Orders for payment.
- Special tax. SEC. 5. That in case the result of said election be in favor of issuing said bonds and levying of special tax the said board of commissioners of Duplin County shall levy annually on the first Monday of June of each year a special tax upon all taxable property of Duplin County or in such township or district voting for the provisions of this act to an amount not to exceed thirty cents on the one hundred dollars worth of property; and if specified in the petition calling for said election a tax of not more than ninety cents on each poll: *Provided*, that in the levy of said taxes the commissioners shall preserve the constitutional equation between the property and the poll tax. The subject of taxation and levy of taxes shall be the same as that on which the said board of commissioners now or may hereafter be authorized to levy for general county purposes. The tax so levied shall be collected by the sheriff or tax collector as other taxes and the same shall be a separate fund known as the "road fund."
- Limit of rate.
- Proviso: constitutional equation.
- Collection. SEC. 6. That all the expenses in connection with this act and the election held under the authority of this act and of issuing and selling the bonds authorized by this act shall be paid by the board of commissioners out of the fund provided for under this act, and it shall be the duty of the board of commissioners of Duplin County to audit the accounts of the sheriff and treasurer as in other cases.
- Payment of expenses.
- Audit of accounts. SEC. 7. That in case the result of said election be in favor of issuing bonds for Duplin County or any township or district of said county, the board of commissioners shall appoint five road commissioners for said county, township or district so voting for bonds, no more than three of whom shall be of the same political party, who shall hold office for a period of two years and their successors appointed in the same manner as above set out. Every commissioner before entering upon the discharge of his duties shall take an oath for the faithful performance of his duties to the best of his ability. The commissioners shall receive no compensation for their services.
- Appointment of road commissioners.
- Political affiliation.
- Term of office.
- Commissioners to qualify.
- Powers of road commissioners. SEC. 8. That the board of road commissioners of Duplin County or any township or district voting for bonds are authorized and empowered to employ a road superintendent and such other employees and laborers, and purchase stock, machinery or materials as may be necessary for the purpose of building, constructing and repairing roads with the fund provided for under this act, and the said road commissioners shall have full power and authority to do all things necessary to be done in the building, constructing and repairing of said public roads and may, in their judgment, without publication or notice, change the location of roads and straighten the same where rights-of-way can be obtained free without resorting to con-

demnation proceedings, and where rights-of-way can not be obtained free nor can be purchased at a reasonable price, may resort to condemnation proceedings as prescribed in chapter sixty-five of The Revisal of North Carolina of one thousand nine hundred and five. Said commissioners shall expend the money provided herein, and the county treasurer shall pay the vouchers which shall be issued by the clerk of the board of commissioners of Duplin County, when the items are approved by the chairman and secretary of said board. Condemnation proceedings.  
Vouchers.

SEC. 9. The said road commissioners are authorized and empowered to provide for a convict force, and use convicts in the construction, building and repairing said roads and to defray the expenses out of the proceeds from the sale of the bonds and from the special tax; and the courts of the State are authorized to sentence convicts to work the roads of Duplin County or any township or district voting for bonds in the same manner and to the same effect as they are now authorized to sentence them to work the roads of the various counties. Convict force.

SEC. 10. That this act does not supersede, destroy or in any way change the present law as to working public roads in Duplin County or any township or district voting bonds, except road hands shall be exempt from road duty is so specified in the petition calling for the election: *Provided*, that this act shall not destroy or in any way affect any road law applying to any special section of Duplin County. Effect of act.  
Proviso: effect on special acts.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

#### CHAPTER 607.

#### AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE DISBURSEMENT OF THE PUBLIC SCHOOL FUND OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred and fifty-nine of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the word "five" in section one, line fourteen thereof, and inserting in lieu thereof the word "four." Limit of building fund.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 608.

AN ACT TO CREATE THE HIGHWAY COMMISSION OF LEAKSVILLE TOWNSHIP, AND TO AUTHORIZE SAID TOWNSHIP TO HAVE AN ELECTION TO ISSUE BONDS FOR PERMANENT CONSTRUCTION AND UP-KEEP OF ITS ROADS.

*The General Assembly of North Carolina do enact:*

Commissioners named and incorporated.

SECTION 1. That J. Sanford Patterson, P. H. Gwynn, E. E. Emerson, A. L. French, F. M. Flynn, and their successors, be and they are hereby constituted, created and declared a body politic and corporate under the name and style of "The Highway Commission of Leaksville Township," with its principal office in the town of Leaksville, Rockingham County, North Carolina, or such other place in said township which said commission may designate, and as such shall have perpetual succession and a common seal, which they may alter at pleasure; and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this State. And said highway commission shall have the power and privileges, and be subject to all the restrictions contained in the laws of the State relating to corporations, now in force. That said corporation shall have power to make and establish such by-laws, rules and regulations for its government as it may deem wise and necessary and which are not in conflict with the laws of North Carolina and of the United States of America. The said highway commission shall elect one of its members chairman and shall also elect a secretary and treasurer, who may, or may not, be a member of the highway commission herein created. That said corporation shall have power to lease, purchase, take and receive by gift or devise, and hold in fee simple or lesser estate or estates, all manner of lands, tenements or hereditaments, and shall be capable in law to take, receive and possess all moneys, stocks, books, goods and chattels which may have been, or may hereafter, be given to it by deed or otherwise. Conveyances and other agreements affecting real estate and all bonds and obligations shall be sufficiently executed when signed by the chairman and secretary of said corporation, and attested by its common seal.

Corporate name.  
Principal office.

Corporate powers.

Organization.

Further enumeration of powers.

Term of office.

Election of successors.

SEC. 2. That the term of office of the highway commissioners herein appointed shall expire on the first Monday in December, one thousand nine hundred and twelve, or when their successors are duly elected and qualified as provided for in this act. That at the next general election for members of the General Assembly, Leaksville Township shall elect five highway commissioners, by the qualified voters of said township, and biennially thereafter to serve for a term of two years or until their successors are duly elected and qualified who shall be citizens of said township. Said highway com-

missioners shall be elected in the same manner as is prescribed by law for the election of the justices of the peace, and the commissioners so elected shall succeed to all the rights, powers and privileges granted to the commissioners named in section one of this act.

SEC. 3. That said corporation is hereby authorized and empowered to issue bonds of the said township to an amount not exceeding the sum of one hundred thousand dollars, (\$100,000), of denominations of not less than five hundred (\$500), nor more than one thousand dollars (\$1000), bearing interest from date of their issue at a rate not exceeding five per cent per annum, with interest coupons attached, payable semi-annually, at such time and place as the said corporation may direct, and the principal thereof shall be paid at such time and place as said corporation may determine in accordance with the provisions of this act.

SEC. 4. That the bonds shall be made payable not less than thirty years nor more than forty years from the date thereof, and shall bear on the face thereof, the following to determine the purpose for which they were issued: "Public Road Bonds of Leaksville Township." The bonds and coupons shall be numbered consecutively, beginning with number one, and shall be signed by the chairman of said corporation and countersigned by its secretary, and the said bonds shall have impressed upon them the common seal of said corporation, and shall be payable in standard currency of the United States, at the office of the treasurer of said highway commission in the town of Leaksville, North Carolina, or at such other place as shall, in the discretion of the said highway commission, be indicated on the face of said bonds and coupons. Said highway commission shall have the power and authority to advertise and sell, either publicly or privately, any or all of said bonds at such time or times, and such manner, as they shall deem best.

SEC. 5. That the funds received from the sale of said bonds shall be used for the purposes of laying out, improving, straightening, grading, permanently constructing and maintaining the public highways of Leaksville Township.

SEC. 6. That said corporation shall not issue the bonds herein provided, or any part thereof, until they shall have first submitted the question to the qualified voters of said township at an election to be held for that purpose. Said election shall be held and conducted in the same manner as is prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that the highway commission of Leaksville Township shall order and call an election and appoint the registrars and judges of elections and all other election officers, and fill vacancies for any cause, and the registration and challenging of voters shall be conducted in like manner as is provided for in the election of members of the General Assembly, and for said election or elections, the said highway commission may order a new registration before calling any such election and provide therefor as directed by law for the holding of

Law governing election.

Bond issue authorized.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Sale of bonds.

Use of funds.

Question submitted to voters.

Law governing election.

Proviso: order for election and appointment of officers.

Registration and challenge.

New registration.

Count and return of votes. State elections. The votes shall be counted at the close of the polls by the registrars and judges of election, and they shall make two written statements or returns and deliver them to the highway commission of Leaksville Township on the first Tuesday after said election, and said highway commission shall canvass the same and declare the result of the election and record it in the minute book of said corporation, and the return and finding and declaration of the highway commission of Leaksville Township and the other return and a copy of the finding shall be filed with the register of deeds of Rockingham County to be recorded in his office and no other recordation shall be necessary. Said election may be called by the highway commission aforesaid, upon the petition of not less than three hundred qualified voters of said township: *Provided*, that the acceptance of said petition of three hundred qualified voters, as herein mentioned by said highway commission, shall be *prima facie* evidence that each and every one of said names signed to said petition are qualified voters of said township.

Canvass and record.

Petition for election.

Proviso: acceptance of petition.

Ballots.

SEC. 7. That at said election or elections, the ballots cast shall be a white strip of paper one and one-half inches by three inches, upon which is written or printed "For Good Roads" or "Against Good Roads." The qualified voters favoring and voting for the issuing of said bonds shall cast their ballots "For Good Roads," and the qualified electors who oppose and vote against the said bonds, shall cast their ballots "Against Good Roads."

Advertisement.

SEC. 8. That said election together with the purpose thereof, shall be advertised by said highway commission at least once a week for four successive weeks immediately preceding the day of election, in some newspaper published in the town of Leaksville, North Carolina, with notice of registration, as the law provides in other elections. If it is found that a majority of the registered voters shall have not cast their ballots "For Good Roads" no bonds shall be issued, but this shall not destroy this act nor prevent said highway commission from calling other elections and submitting the question again to the qualified voters of Leaksville Township, with or without a new registration at their discretion, at a subsequent election called by said highway commission for that purpose at any time within six years from the holding of the first election, in the same manner and subject to the same laws and regulations as is prescribed herein for the holding of the first election.

Subsequent elections.

Proceeds paid to treasurer.

SEC. 9. That when any of said bonds are sold the proceeds of sale, including premiums on said bonds, if any, shall be turned over to the treasurer of said highway commission, who shall keep all of said funds, and all other funds provided for under this act and which may come into his hands, separate from all other funds, and he shall keep a separate account of the same. Said treasurer, before any money shall be turned over to him, shall execute an official bond, payable to said highway commission, in a sum one-fourth greater than the sum which may come into his hands by reason of

Separate funds and accounts.

Bond of treasurer.

this act or otherwise, conditioned for his faithful safe keeping and accounting for the same, and in all things holding and disbursing and accounting for the same as is required of him by law; and all orders directed to said treasurer for the payment of money under this act shall bear on their face that they are good road bonds orders or other orders, and shall state against what account they are drawn. Said treasurer shall be a qualified voter of Leaksville Township and shall be elected by a majority of said highway commission and shall hold his office for a term of two years or until his successor is duly elected and qualified. The compensation of said secretary and treasurer shall be fixed by the said highway commission who may remove him at any time they shall deem it expedient or advisable. Said bond shall be passed upon, accepted and received by the said highway commission, if in their judgment they deem it in due form and are satisfied with the security. But if said treasurer refuses or fails to make the foregoing bond, then the said highway commission shall elect some other person as secretary and treasurer of said corporation who shall serve under the provisions and directions set forth above. The said highway commission may elect as secretary and treasurer a member of said corporation or some suitable person who is not a member, as they may deem proper. The secretary and treasurer of said highway commission is hereby required and directed to keep an intelligible set of books, showing all transactions and expenditures of money and for what purposes expended, including a separate itemized account for machinery, labor, building materials, supplies and of all other expenditures incident to the construction and improvement of said roads. All books, records, accounts and papers of said highway commission shall be open at all times to the inspection and examination of the public.

Orders on treasurer.

Qualification, election and term of treasurer.

Compensation of secretary and treasurer.

Acceptance of bonds.

Election.

Accounts.

Records open for inspection.

Bonds not sold below par.

Specific appropriation.

Proviso: responsibility of purchasers.

Record.

Fund for payment of interest.

Sinking fund.

SEC. 10. That none of the bonds authorized by this act shall be disposed of for 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: *Provided, however,* that the purchasers of said bonds shall not be required to see to the application of said funds or any part thereof. A record shall be kept by said highway commission in a book kept for that purpose, setting forth the amount of bonds issued and sold, the date of sale, to whom sold, the number of bonds and the date of maturity of each bond.

SEC. 11. That for the purpose of paying the interest on said bonds issued under the provisions of this act, the highway commission is authorized, empowered and directed to take and appropriate of the money collected for public road purposes and apply as much thereof as is necessary for the payment of said interest whenever same is due, and said commission shall provide a sinking fund from the taxes collected for said road purposes by setting aside

Investment of sinking fund. a sum thereof annually for the payment of the principal of said bonds at maturity. Any money thus appropriated may be invested by said highway commission in the purchase of said township bonds, if they can be purchased at par, but in case such bonds can not be purchased, the said commission may lend said sinking fund, or any part thereof, in such sums as they may deem proper, for a length of time elapsing six months prior to the maturity of the bonds next coming due, for the redemption of which such money may be needed, taking as security for the payment thereof mortgages or deeds of trust on real estate sufficient to amply secure the same; bonds of the State of North Carolina, or said township bonds, and none other, may be taken as collateral security for said loan at not exceeding their par value.

Security.

Election of road supervisor. SEC. 12. That upon finding the result of the election to be in favor of issuing bonds, or as soon thereafter as the highway commission may deem necessary, the said corporation shall call a meeting of said highway commission in a session for the purpose of electing by ballot for Leaksville Township, a road supervisor, and in this session each member of the highway commission shall have one vote in each ballot that may be taken. The result of said election shall be declared and recorded in the proceedings of the said highway commission. Three members of said commission shall constitute a quorum, with power to elect as aforesaid. If no election is made by this meeting, the said highway commission shall, within ten days thereafter, proceed to elect such road supervisor. Said person elected road supervisor shall take and subscribe an oath for the faithful performance of his duties as road supervisor, and shall execute an official bond before entering upon any of said duties, with sufficient security in the sum of one thousand dollars, for the faithful performance of his duties and accounting for all moneys and property which may come into his hands as said officer. Said bonds shall be made payable to the State of North Carolina, and shall be approved by said commission and recorded in the same manner as county official bonds. Said supervisor shall hold his office for two years from the first Monday in June of the election, or until his successor is duly elected and qualified, and he shall be elected biennially thereafter, except that the highway commission may, for incompetency or inability or neglect to perform his duties, or for other good cause, remove said road supervisor from his said office and elect his successor for the unexpired term, subject to the same causes for removal as herein set forth. Said road supervisor shall enter upon his duties and work, when directed by said highway commission to begin, and his wages shall be fixed by said highway commission. The highway commission may by a majority of its members, remove from office any of its members who may be found guilty of wrongful and unlawful acts concerning or relating to the affairs of said office.

Quorum of road commission.

Supervisor to qualify and give bond.

Term of office.

Wages.

Power of removal.

SEC. 13. That said road supervisor is hereby given power and authority, subject to the approval of the commission, with the aid of a competent civil engineer, to straighten, locate and relocate, widen, or otherwise change any part of any public road, whenever in his judgment such location, relocation, straightening, or change will prove advantageous to public travel; and for the purpose of laying out, locating, relocating, broadening, changing, straightening, opening up, or constructing, or working any public roads or thoroughfares herein provided for, a road supervisor or any one acting under his authority, by his direction or under his supervision, may enter upon the lands of any person and proceed to open, build and construct a road, and may use stone, earth, timber or any necessary materials contiguous to said roads for opening, constructing and working said road. That when any person or persons on whose land the new road or part of a road is to be located, claims damages therefor in excess of what the highway commission may deem just, and shall within thirty days petition the said highway commission for a jury to assess the damages, the said commission within not less than fifteen nor more than sixty days after completion of said road, shall order a jury of freeholders of said township of not less than three nor more than five persons of whom none shall be related to the person or persons claiming damages, to be summoned by the sheriff of the county or the constable of the township where said land is located, on a notice issued by the said highway commission to meet and assess the damages, if any, sustained by the owner of the land, which said jury after first being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the next regular or called session of said highway commission; that said jury in considering the said damages shall take into consideration the benefits to public travel and to the owner or owners of the land, and if the said benefits be considered equal to the said damages sustained, the jury shall so declare. The sheriff or constable serving the process shall be allowed the sum of twenty-five cents for each person for a jury, and the jurors who make claim shall be paid the sum of fifty cents each to be paid out of said township funds. The officer making the service shall make a copy of the summons on each freeholder summoned for a jury, unless such freeholder accepts service. The damage, if any awarded, shall be paid out of the good road funds of said township. In case either party interested shall be dissatisfied with the findings of the jurors, such dissatisfied party may appeal to the said highway commission, and if dissatisfied with the said highway commission's decision may in turn appeal to the superior court of Rockingham County, and any appeal taken from the judgment taken from the appeal to the highway commission, by either party, may be without bond, and the same shall be heard *de novo*; but the judge may in his discretion, require either party to give

Powers of supervisor.

Entry on lands.

Assessment of damages.

Fees of sheriff and jurors.

Payment of damages.

Right of appeal.

Proviso: limit of costs.	bond when the appeal is to the superior court: <i>Provided</i> , that the party to whom damages are awarded shall recover no more costs than a sum equal to the amount of the damages so awarded. That
Entry on land for materials.	for the purpose of carrying out the provisions of this act, the civil engineer, the road supervisor and the overseer and hands are authorized to enter upon any land near to or adjoining any public roads, to cut and carry away timber, to dig and cause to be dug any gravel, sand, soil, clay or stone which may be necessary to construct, improve or repair said roads, and to enter upon any lands adjoining or lying near the road in order to make such drain or
Drains or ditches.	ditches through the same, as they may deem necessary for the betterment of the roads, doing as little injury to said lands or the timber or improvements thereon, as the nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest ditch, drain, or watercourse, or waste ground, and shall be kept open by said supervisor and shall not be obstructed by the owner or occupant of such lands or any persons.
Details of highways.	SEC. 14. That the highways and thoroughfares in said township constructed or improved under this act shall not be less than twenty nor more than forty feet wide, unless under extraordinary conditions the highway commissioners shall, in their best judgment, decide otherwise, and the whole length of said roads shall be as straight as expediently practicable, and reasonably graded.
Qualification supervisor.	SEC. 15. That said road supervisor shall be an experienced and practical builder of improved roads, and shall be under the control and obey all lawful orders of the said commission; and in laying out and grading the public roads in said township preparatory to improving them, he may in the discretion of the said highway commission, have the assistance of a practical engineer, which engineer shall be employed by the highway commission for this purpose.
Assistance of engineer.	The road supervisor shall have supervision of all public road forces in said township and shall direct their work in accordance with the orders of the highway commission. He shall have general supervision of the convicts, if any, and shall appoint a superintendent of the chain gang and all the guards, subject to the approval of the commission. Said road supervisor shall keep the time of all employees on the road and an account of all the work done by contract and certify the same to the highway commission whenever requested to do so and said commission is hereby fully authorized and empowered to hire labor, purchase material, implements, supplies, live stock, machinery, equipment, and all other road working utilities they may deem necessary for the construction, improvement, and maintenance of said roads, and they may contract for material to be furnished for road building and may let sections of
Further enumeration of powers and duties.	road grading out by contract, when it is deemed expedient to do so, and pay for the same out of the road fund and exercise all other powers, rights and privileges incident to, or necessary for the pur-
Enumeration of powers of commission.	
Roads may be let to contract.	

poses of carrying out the provisions and spirit of this act; and all salaries, fees and expenses attending, incurred in laying out, constructing, maintaining, building, or improving roads in said township shall be paid out of said road fund, the commission making order for same upon the treasurer of said highway commission in manner and form as is provided for herein. The said commission shall at least annually audit, either through a committee of its own members, or a competent expert selected by said commission, the books, accounts, documents, and all transactions pertaining to the office of said treasurer, and said highway commission shall cause said report to be published for two weeks in some newspaper published in said township.

Salaries, fees and expenses.

Annual audit.

Publication.

SEC. 16. That the highway commission in their discretion may direct the treasurer to deposit in one or more banks, any part of the funds herein provided for, which may not be used for road purposes for six months thereafter, and take certificates of deposit therefor, bearing interest, which shall be credited to said road fund.

Deposit of road funds.

SEC. 17. That all expenses arising by virtue of this act in calling, conducting, holding and providing for elections in said township shall be paid by the highway commission out of the tax funds of the said township; and if the election shall be found to be in favor of issuing bonds, all expenses incurred in preparing, issuing, and selling said bonds shall be paid by said commission out of the funds arising from the sale of said bonds: *Provided, however,* that the expenses of any elections herein provided for that are held and which result in no issue of bonds, shall be borne by Rockingham County and paid for by the commissioners of said county out of the county fund as provided for in other elections.

Expense of election and bond issue.

Proviso: expense borne by county.

SEC. 18. That notes or other evidences of debt, given for any loan under this act shall be executed to and in the name of the highway commission of Leaksville Township, and the treasurer shall be named in all deeds of trust, and any highway commissioner or other officer, employee or trustee who shall be interested pecuniarily either directly or indirectly in any loan or contract, or any benefits arising therefor, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. Any highway commissioner or road supervisor or treasurer who makes, or causes to be made, any fraudulent order, note, due bill, check, draft or account, whereby money is to be paid out of said road fund herein provided for, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court, or both, and shall be immediately removed from office by said commission.

Execution of notes and conveyances.

Interest by officers or employees in contract or loan a misdemeanor.

Punishment.

Making fraudulent order a misdemeanor.

Punishment.

SEC. 19. That the roads improved inside the corporate limits of any incorporated town, located in said township, shall be the same character of road as shall be built outside of said incorporated town, and no better or wider, and each road or thoroughfare leading into the corporate limits of any of said towns, which receive benefits under this act, shall be built continuously in the regular route of

Road work in towns.

travel under ordinary conditions, and no other roads or streets in said towns shall be improved by said highway commission out of the funds herein provided: *Provided*, that nothing in this act shall prevent the proper authorities of such towns from expending such funds as they may deem necessary, out of the town treasury for the further improvement of any and all streets of said town.

Proviso: work by town authorities.

Special tax.

SEC. 20. That in the event said election shall be in favor of issuing bonds as aforesaid, the board of county commissioners of Rockingham County shall, when requested to do so by the highway commission in writing, levy annually, at the usual time of levying county taxes, a separate tax of not more than twenty cents on the one hundred dollars valuation of property and not more than sixty cents on each poll in Leaksville Township, which said taxes shall be collected as other taxes are collected, and the sheriff of Rockingham County shall turn the same over to the treasurer of the highway commission of Leaksville Township; the constitutional equation to be observed at all times. That in the event the said election, or any election called hereunder, shall be in favor of bonds, not less than fifty per cent of all taxes levied and collected by the board of county commissioners of Rockingham County for general or special road purposes thereafter from Leaksville Township, under chapter five hundred and eighty-one, Public Laws of North Carolina, for the year one thousand eight hundred and ninety-nine, and amendments thereto adopted shall be paid over by said sheriff to the treasurer of the highway commission of Leaksville Township to be expended by said commission for the purposes of carrying out the provisions of this act: *Provided*, that no money shall be expended by the board of commissioners of Rockingham County in building or improving any road or thoroughfare within Leaksville Township except as herein provided. That nothing herein shall be construed to prevent the commissioners of Rockingham County from building or repairing the bridges of said township and of levying the necessary taxes therefor: *Provided, further*, that nothing contained in this act shall exempt Leaksville Township from paying its proportionate part of all the existing indebtedness of said county, created for road purposes, or the levying of a tax by the said commissioners for the entire county to meet the payment of said debts heretofore contracted.

Apportionment from general road fund.

Proviso: limitation.

Bridges.

Proviso: liability for existing debt.

Date for organization.

SEC. 21. That the first meeting of the highway commission of Leaksville Township shall be held on Wednesday, the twenty-second day of March, one thousand nine hundred and eleven, at ten o'clock a. m., in the town of Leaksville, North Carolina, to perfect an organization and to elect a chairman, secretary and treasurer, and other officers, and transact such other business as they may deem proper. Each member of the said highway commission shall receive as compensation for his services in attending all meetings, both stated and special, the sum of one dollar and fifty cents per day.

Pay of commissioners.

Said treasurer shall be *ex officio* secretary to the highway commission of Leaksville Township. Each and every member of said commission shall, before entering upon the duties as commissioner, take and subscribe to an oath for the faithful performance of his duties, either before the clerk of the superior court of Rockingham County or a justice of the peace of said county. The said commission shall have power to fill any and all vacancies caused by death, resignation, incapacity or otherwise, or any member of their commission, for the unexpired term thereof. Said commission shall convene in not less than four regular stated meetings annually, the dates whereof shall be determined and recorded in the minutes of its organization meeting and the duration of the sessions of said meetings shall be according to its discretion and the necessary requirements of public business entrusted to said commission by the provisions of this act: *Provided*, that special sessions or meetings of said commission may be convened at any time by order of the chairman of said commission or upon request in writing being made to said chairman by at least three members of said commission, and it shall be the duty of the secretary to mail to the usual address of each member of the commission a card notice thereof in advance of all such special meetings.

Treasurer *ex officio* secretary.  
Commissioners to qualify.

Vacancies.

Regular meetings.

Proviso: special meetings.

SEC. 22. That upon the application of the said highway commission, the judges of the superior, criminal, and recorders' courts presiding in Rockingham and adjoining counties, or any other county in the same or adjoining judicial districts which do not otherwise provide for the working for their convicts on their own public roads, may sentence such able-bodied male persons as are mentioned in section eight, chapter five hundred and eighty-one, Public Laws of North Carolina, for the year one thousand eight hundred and ninety-one, from such adjoining counties or other counties in the same and adjoining judicial districts, to work on the public roads of said Leaksville Township. The cost of transporting, guarding, caring for and keeping such prisoners, shall be paid by the highway commission of said township: *Provided, however*, that any and all prisoners from such county may at any time be returned to the keeper of the common jail or other lawful authorities of such county, at the expense of Leaksville Township highway commission.

Convicts sentenced to road work.

Proviso: return of convicts.

SEC. 23. That this act shall not be construed to repeal any part of chapter five hundred and eighty-one of the Public Laws of North Carolina for one thousand eight hundred and ninety-nine, except in so far as said chapter or any part thereof may be repugnant to or inconsistent with the provisions and spirit of this act.

Law not repealed.

SEC. 24. That it shall be the duty of the said highway commission, as it is the intent of this act, to expedite the construction of the highways and thoroughfares of said township that may be determined upon by said highway commission, as provided for by

Expedition of work.

this act, with the utmost expedition consistent with due regard for economy.

Liability for damages.

SEC. 25. That nothing in this act shall change, repeal or affect the law relieving counties and townships from liability for damages while exercising their governmental powers and functions, on account of any failure or neglect to keep said township roads, public highways, and bridges in safe condition, and by reason of any torts committed by their officers, agents, servants, and employees.

General powers.

SEC. 26. That the highway commission of Leaksville Township shall have power and authority to perform and do all things necessary to carry into effect the objects and to execute the provisions and meaning of this act.

SEC. 27. That all laws and clauses of laws in conflict with, repugnant to, or inconsistent with the provisions and spirit of this act are hereby repealed.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

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#### CHAPTER 609.

### AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF DAVIDSON, MECKLENBURG COUNTY, N. C.

*The General Assembly of North Carolina do enact:*

Appointment, qualification and duty.

SECTION 1. That there shall be appointed for the town of Davidson, in Mecklenburg County, one public cotton weigher, sworn to perform his duties faithfully, whose duty shall be to weigh all cotton sold in bales in said town, and make just and proper deductions for water or any other damages.

Weighing cotton. Bond and compensation of weigher.

SEC. 2. That all cotton sold in bales in the town of Davidson shall be weighed by a sworn cotton weigher, who shall give bond in the sum of five hundred dollars, to be approved by the board of commissioners of the county, for the faithful performance of his duties; and said weigher shall receive as full compensation for his services the sum of ten cents per bale for each bale weighed, the seller and purchaser to pay five cents each, and that the purchaser shall retain five cents of the purchase price and shall be responsible to said weigher for his fees, and to whom said weigher shall look for such fees.

Term of office.

SEC. 3. That the term of said officer shall be two years, beginning the first day of August, one thousand nine hundred and eleven, and that his successor shall be elected biennially thereafter by the board of commissioners of Mecklenburg County on the first Monday in June, and his bond be approved by the said board of commis-

Election of successor and approval of bond.

sioners of Mecklenburg County on the first Monday in July of each year when such election shall recur as by this act provided.

SEC. 4. That it shall be the duty of the said cotton weigher to keep separated the cotton belonging to different purchasers weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform where the weighing is done, such as may be established for public convenience, and furthermore that it shall be his duty to keep a record of all cotton weighed, showing the names of seller and buyer, the grade of cotton and price paid, if known to such weigher.

Cotton kept separate.

Record.

SEC. 5. That the records of said officer shall be evidence in any court, when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make request to be allowed such privilege.

Records evidence.

Open for inspection.

SEC. 6. That the said cotton weigher may, if he shall see proper, appoint one or more assistants or deputies in the discharge of his duties in his said position; but the said cotton weigher shall be responsible on his said bond for each and all of the acts of any person or persons so appointed by him.

Deputies.

SEC. 7. That the said board of commissioners are empowered to remove for cause, and to fill all vacancies in said position of cotton weigher.

Power of removal.

SEC. 8. That James A. Johnston shall be and is hereby appointed to fill the first term of office under this act, that is to say August first, one thousand nine hundred and eleven, to August first, one thousand nine hundred and thirteen.

First weigher named.

SEC. 9. That all laws and clauses of laws now existing in the town of Davidson relative to cotton weigher are hereby repealed.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 610.

### AN ACT TO DIVIDE THE BOARD OF COUNTY COMMISSIONERS OF JONES COUNTY INTO TWO CLASSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general election to be held in the year one thousand nine hundred and twelve, there shall be elected in the county of Jones by the duly qualified voters thereof five members of the board of county commissioners of said county divided into two classes, three of whom shall compose one class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve, and expire at the end of two years thereafter, or on the first Monday in December, one thousand nine

Election.

Classes.

Election for two years.

Election for four years.

hundred and fourteen, and two of whom shall compose another class, whose term of office shall commence on the first Monday in December, one thousand nine hundred and twelve and expire four years thereafter, on the first Monday in December, one thousand nine hundred and sixteen. That upon the expiration of the term of office of each class of said commissioners their successors shall be elected for four years and hold office for that term and until their successors are elected and qualified.

Election of successors.

SEC. 2. 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 this the 6th day of March, 1911.

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#### CHAPTER 611.

#### AN ACT TO PROHIBIT THE PUTTING OF SAWDUST IN BUCKHORN CREEK, WAKE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful for any person, firm or corporation to put or cause to be put any sawdust in Buckhorn Creek or any of the tributaries thereof in Wake and Harnett Counties.

Misdemeanor.

SEC. 2. That for the violation of this act the offender shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Punishment.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 612.

#### AN ACT TO SUBMIT THE QUESTION OF STOCK LAW TO THE PEOPLE IN TOWNSHIPS OF HARNETT COUNTY EAST OF THE CAPE FEAR RIVER.

*The General Assembly of North Carolina do enact:*

Date of election.

SECTION 1. That there shall be an election held on the first Monday in October, one thousand nine hundred and eleven, upon the question of stock law, or no stock law in the townships east of the Cape Fear River in Harnett County. If at said election a majority of the votes cast shall be in favor of stock law, then the stock law

Question to be voted on.

shall be in full force and effect in the entire territory, including Territory.  
 the townships of Buckhorn, Hector's Creek, Black River, Neill's.  
 Creek, Grove, Duke and Averagesboro: *Provided, however,* that if a Proviso: present  
 majority of the votes cast at said election shall be against stock territory.  
 law, then all of said territory that is now in stock law, shall remain  
 in stock law.

SEC. 2. The election authorized by this act shall be held and Law governing  
 conducted under the same rules and regulations and according to election.  
 the same penalties provided by law for the election of members of  
 the General Assembly: *Provided,* that the board of county com- Proviso: election  
 missioners of Harnett County shall be authorized to appoint all officers.  
 election officers and may prescribe at what place the election may Polling places.  
 be held in said mentioned territory.

SEC. 3. That the county commissioners are hereby authorized to Fence tax.  
 levy a tax in said territory necessary to pay the expense of build-  
 ing a fence between Johnston and Harnett Counties, and between  
 Sampson and Harnett Counties: *Provided,* in said election the ma- Proviso: if stock  
 jority of votes cast shall be for stock law. law prevails.

SEC. 4. That if in said election a majority of the votes cast be When stock law  
 for stock law, then the stock law shall go into effect in said terri- effective.  
 tory on January first, one thousand nine hundred and twelve.

SEC. 5. That this act shall be in force from and after its ratifi-  
 cation.

Ratified this the 6th day of March, 1911.

### CHAPTER 613.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVEN-  
 TY-FIVE, SECTION TEN, PUBLIC LAWS OF ONE THOU-  
 SAND NINE HUNDRED AND THREE, RELATIVE TO THE  
 ROAD COMMISSION OF WAYNESVILLE TOWNSHIP, HAY-  
 WOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and seventy-five (375),  
 section ten (10), Public Laws, one thousand nine hundred and  
 three, be and is hereby amended by adding at end of said section  
 the following: "That the terms of office of the present road com- Expiration of  
 missioners for Waynesville Township, Haywood County, shall ex- terms.  
 pire in the following manner: That the term of J. O. Welch shall  
 expire April first, one thousand nine hundred and twelve; the term  
 of D. A. Howell shall expire April first, one thousand nine hundred  
 and thirteen; and T. L. Francis is hereby appointed road commis-  
 sioner to fill the vacancy of J. M. Noland, and the expiration of  
 his term shall be on April first, one thousand nine hundred and  
 fourteen."

- Vacancies. SEC. 2. That any vacancies by expiration of term or otherwise shall be filled by the board of county commissioners of Haywood County.
- Law repealed. SEC. 3. That chapter seventeen (17), Public Laws, one thousand nine hundred and seven be and the same is hereby repealed.
- SEC. 4. This act shall be in force from and after its ratification. Ratified this the 6th day of March, 1911.

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CHAPTER 614.

AN ACT TO AMEND AN ACT TO DEFINE THE JURISDICTION OF THE RECORDER'S COURT IN THE TOWN OF HENDERSON, BEING HOUSE BILL FOUR HUNDRED AND FORTY-TWO, SENATE BILL FOUR HUNDRED AND THIRTY-FOUR, RATIFIED FEBRUARY FOURTEENTH, ONE THOUSAND NINE HUNDRED AND ELEVEN.

*The General Assembly of North Carolina do enact:*

- Jurisdiction extended. SECTION 1. Amend section one of said act by striking out all in line two after the word "committed" to the word "Vance" in line three, and insert in lieu thereof "in." Also strike out all after the word "of" in line five to the word "is" in said line and insert in lieu thereof "Vance County, North Carolina."
- Fees and record. SEC. 2. Amend section two by adding at the end after the word "clerk"; "And his fees shall be the same as those now provided for clerks of the superior courts and his records shall be kept as other records of the clerks of superior courts."
- Jurisdiction. SEC. 3. Amend section four by striking out all after the word "of" in line two to the word "which" in said line and insert in lieu thereof "Vance County, North Carolina."
- Jurisdiction. SEC. 4. Amend section five, subsection (c) by striking out all after the word "within" in line two to the word "which" in line four and insert in lieu thereof "Vance County."
- Jurisdiction. SEC. 5. Amend section five, subsection (d) by inserting between the word "offenses" in line four and the word "to" the words "committed in Vance County." Also amend section five, subsection (e) by striking out all after the word "within" in line four to the word "whereof" in line five, and insert in lieu thereof "Vance County."
- Process. SEC. 6. Amend section five, subsection (f) by inserting between the word "county" in line six and the word "as" in line seven the words "or any other county in the State."
- Fees of recorder SEC. 7. Amend section six by inserting between the word "the" and the word "courts" in line ten the word "superior": *Provided*, no part of the three dollars recorder fee shall be paid by the county, and by striking out all after the word "courts" in said line to "and" including the word "peace" in the same line.

SEC. 8. Amend section eight by inserting after the word "Vance" <sup>Process.</sup> in line six and before the word "until" the words "or any other county in the State."

SEC. 9. Amend section twelve by inserting between the word "Henderson" in line two and "may" in said line the words "acting with the board of county commissioners." <sup>Election.</sup>

SEC. 10. That the present mayor of the town of Henderson shall preside over and discharge the duties of the said recorder's court until the first Monday in December, one thousand nine hundred and twelve, and at the next general election held for the election of county officers of Vance County and every two years thereafter a recorder shall be elected to fill said office by the voters of the entire county of Vance as other county officers are elected and voted for, and the said court shall after that date be held in the county courthouse. Should a vacancy occur by resignation, death of the recorder, or from any cause whatever, then the board of town commissioners of the town of Henderson and the board of county commissioners of Vance shall immediately meet in joint session and appoint a recorder to discharge the duties of the office until the next general election for county officers shall be held to elect a recorder. <sup>Election of recorder in 1912.</sup> <sup>Vacancy.</sup>

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its passage.

Ratified this the 6th day of March, 1911.

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## CHAPTER 615.

### AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND EIGHTY-TWO, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO SALARIES OF OFFICERS OF PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and eighty-two, Public Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: that to section two of said chapter in line two between the word "annum" and the word "and" shall be added the words "and be allowed seven hundred and fifty dollars per year for deputy and clerk hire." That to section three of said chapter in line two between the word "dollars" and the word "and" shall be added the words "and be allowed four hundred dollars for clerk hire." That to section four of said chapter in line two between the word "dollars" and the word "and" shall be added the words "and be allowed one thousand dollars per year for deputy and clerk hire." <sup>Deputy and clerk hire.</sup> <sup>Clerk hire.</sup>

Deputy and clerk  
hire.  
Clerk hire.

hire." That to section five of said chapter in line two between the word "dollars" and the word "and" shall be added the words "and be allowed three hundred dollars for clerk hire."

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 616.

AN ACT AMENDING CHAPTER EIGHT HUNDRED AND ONE, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO SETTING AND FISHING NETS IN NEUSE AND TRENT RIVERS.

*The General Assembly of North Carolina do enact:*

One-half fine to  
to informer.

SECTION 1. Strike out section seven of chapter eight hundred and one, Public Laws of one thousand nine hundred and nine, and add in lieu thereof the following: "Any party who is the informant against any one violating this act upon conviction of such person so violating, shall receive one-half of the fine prescribed in chapter eight hundred and one, Public Laws, one thousand nine hundred and nine."

Ratified this the 6th day of March, 1911.

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#### CHAPTER 617.

AN ACT TO FIX SALARIES FOR THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER, OF DEEDS AND TREASURER OF ALAMANCE COUNTY, AND TO CREATE THE OFFICE OF AUDITOR OF ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Officers to collect  
and account for  
fees.

SECTION 1. That the sheriff, clerk of the superior court, register of deeds and treasurer of Alamance County and their respective deputies shall collect and receive and account for all the fees to which they are entitled by virtue of their respective office and pay the same on the first of every calendar month, into the treasury of Alamance County; and they shall be responsible for and chargeable with all moneys of every kind which are to be, or by law should be, paid into their respective offices, and shall be held to strict account therefor.

Monthly settle-  
ments.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to, or which may hereafter by any law belong or appertain to their respective offices; and they shall receive as compensation for their services, only such salaries, compensation and allowances as is hereinafter provided; and for any destruction, concealment or misapplication of any of the moneys payable into their respective offices, or which any of them have collected, any one for so destructing, concealing or misapplying the same shall be guilty of felony, and upon conviction shall forfeit their said office or offices and be punished as now provided by law in cases of embezzlement by public officers.

Collection of fees, profits and emoluments.

Compensation of officers.

Destruction, concealment or misapplication felony

Punishment.

SEC. 3. That each and all of said officers shall open and keep a set of account books in which shall promptly, correctly, truly and accurately entered itemized accounts of all moneys collected or received by said officers, or which, by law, shall be payable into their respective offices, and all of said books shall at all times be open to the inspection of the public upon demand, and said books shall be safely and securely kept so as to prevent loss or destruction by theft, fire or any accident.

Account books.

Books open for inspection.

SEC. 4. That on the first Monday of each and every calendar month a true and accurate transcript shall be transmitted by each of the officers of Alamance County to the board of commissioners of said county, said transcript to contain and show in detail all the entries made upon said books referred to in the next preceding section during the preceding calendar month, and this transcript shall be sworn to and duly verified by the officers filing the same.

Monthly transcripts.

SEC. 5. That the sheriff of Alamance County shall receive a salary of two thousand (\$2,000) dollars per annum, and shall be allowed the sum of one thousand (\$1,000) dollars annually to pay such clerks, assistants and deputies as he may see fit to employ or appoint. Said sheriff shall not receive any other compensation or allowance whatsoever.

Salary of sheriff.

Clerks, assistants and deputies.

SEC. 6. That the register of deeds shall receive a salary of sixteen hundred (\$1,600) dollars annually and shall be allowed the sum of six hundred (\$600) dollars to pay for such clerks, assistants and deputies as he may see fit to employ and appoint. Said register of deeds shall receive no other compensation or allowance whatsoever. Said register of deeds shall, as a part of the duties of his office, have made out the tax books for said county in the same manner as they have heretofore been made out by him, and shall receive no extra compensation or allowance for so doing.

Register of deeds.

Clerks, assistants and deputies.

Tax books.

SEC. 7. The clerk of the superior court shall receive a salary of fifteen hundred (\$1,500) dollars, and no other compensation whatsoever.

Clerk superior court.

SEC. 8. That the county treasurer shall receive a salary of nine hundred (\$900) dollars, and no other compensation whatsoever.

County treasurer.

- Bonds of officers.** SEC. 9. That all of said officers shall give bonds as now provided by law, and should any of the aforesaid officers prefer to execute said bonds in some bonding or security company authorized by the laws of this State to execute such bonds, they may do so and the cost thereof shall be paid by the county of Alamance.
- Cost of bonds.**
- Employment and duty of auditor.** SEC. 10. That the county commissioners of Alamance County shall, in the month of December, 1912, and in the months of June and December of each year thereafter, employ a competent auditor or expert accountant to audit all the books kept by all the officers of Alamance County, including the books showing the general county accounts and the accounts of the board of education, and said commissioners shall fix the compensation to be paid said auditor or expert accountant, and said compensation shall be paid by the county of Alamance.
- Compensation.**
- Payment of salaries and allowances.** SEC. 11. That the salaries herein provided for the officers shall be paid by the county treasurer upon warrants issued by the board of county commissioners in favor of said officers in monthly installments; that the allowances made for clerks, assistants and deputies shall be paid by the county treasurer upon warrants issued by the board of county commissioners, and said board of county commissioners shall issue warrants for the payments to these clerks, assistants and deputies upon orders signed by the officers employing or appointing such clerks, assistants and deputies: *Provided*, said commissioners shall not issue warrants for clerks, assistants and deputies in excess of the allowance hereinbefore provided for.
- Warrants.**
- Proviso: limit of amount.**
- Failure to collect a misdemeanor.** SEC. 12. Any officer herein mentioned who shall willfully fail or refuse to collect free fee, commission or emolument of any kind belonging to his office shall be guilty of misdemeanor.
- Settlement of sheriff with successor.** SEC. 13. After this act shall be effective as to the office of sheriff of Alamance County before the expiration of the term of office of any person holding said office of sheriff, he shall be required to turn over to the incoming officer all books, papers and accounts showing uncollected taxes, licenses, and all unfinished business of his said office, and on and after the date when the newly elected officer shall give bond and be conducted into office, he shall perform all the duties of said office of sheriff: *Provided, further*, that nothing in this act shall prevent the person holding the office of sheriff of Alamance County, when the tax books for the year 1912 are placed in the hands of said officer, from collecting said taxes for said year and receiving the compensation now fixed by law for so collecting such taxes.
- Proviso: collection of current tax.**
- When act effective.** SEC. 14. That this act shall be in full force and effect from and after the first Monday of December, one thousand nine hundred and twelve, save and except the provisions thereof affecting the clerk of the superior court and as to those provisions which shall not be effective until the first Monday in December, 1914, but on and after that date as to those provisions it shall be in full force and effect.

Ratified this the 6th day of March, 1911.

## CHAPTER 618.

## AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF SPRING HOPE, NASH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be appointed for the town of Spring Hope, in Nash County one public cotton weigher, sworn to perform his duties faithfully, whose duty shall be to weigh and mark all cotton sold in bales in said town and make just and proper deductions for water or any other damages, the said weigher furnishing his own scales, marking material and such extra labor as may be necessary for the performance of his duties as enumerated in this act. Appointment and duty.

SEC. 2. That all cotton sold in bales in said town of Spring Hope shall be weighed by a sworn cotton weigher, who shall give bond in the sum of five hundred dollars, to be approved by the board of commissioners of the town of Spring Hope and the cotton buyers of said town in joint session, for the faithful performance of his duties; and the said weigher shall receive as full compensation for his services the sum of eight cents per bale for each bale weighed, said amount to be paid by the purchaser and to whom said weigher shall look for his fees. Bond and compensation.

SEC. 3. That the term of said officer shall be two years, beginning the first day of August, one thousand nine hundred and eleven, and that his successor shall be elected by the voters of Mannings Township at the regular election in November, one thousand nine hundred and twelve, and biennially thereafter: *Provided*, that the first term of office under this act shall be filled by a cotton weigher to be appointed by the county commissioners of Nash County, upon the recommendation of the township executive committee, at their regular meeting on the first Monday in June, one thousand nine hundred and eleven. Term of office.  
Election of successor.  
First appointment.

SEC. 4. That it shall be the duty of said cotton weigher to keep separated the cotton belonging to different purchasers weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform where the weighing is done, such as may be established for public convenience; and furthermore, that it shall be his duty to keep a record of all cotton weighed by him, showing the names of seller and buyer. Cotton kept separate.  
Record.

SEC. 5. That the records of said officer shall be evidence in any court, when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make request to be allowed such privilege: *Provided*, the person making such request has a grievance of any kind or is in any way interested. Records evidence and open to inspection.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 619.

## AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND THIRTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight hundred and thirty-eight of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended as follows, viz: Strike out of lines ten and eleven of section 1 the words, "it shall be the duty of the said board of commissioners," and insert in lieu thereof the following words, "the said board of commissioners shall have power and authority, in their discretion"; after the word purpose in line 14 of said section insert the following words, "and of levying the special tax provided in section 7 of this act"; add at the end of said section the following words: "*Provided*, the said board of commissioners may call other elections in the same township or townships under the provisions of this act, from time to time, regardless of whether or not the preceding election or elections shall have resulted in favor of a proposed bond issue, until said township shall have outstanding bonds to the full amount authorized herein, and the amount of bonds may be increased as the amount of taxable property in said township or townships shall increase"; add at the end of section 2 of said act, "No other call or notice of said meeting than the enactment of this law, if said meeting shall be held on the fourth day after said election, shall be necessary. The finding of the said board of commissioners as to the sufficiency or insufficiency of the petition shall be conclusive and final. Such other findings as the said board of commissioners shall cause to be enrolled upon its minutes relative to the calling, notice, returns and results of said election or elections, which the said board is hereby authorized and directed to make after considering the facts, from and after sixty days from said enrollment shall not be open to attack, but the record thereof as the same shall appear upon the records of the board of commissioners shall be deemed and held conclusive evidence thereof, subject only to the determination of any suit which shall be instituted prior to the expiration of said time."

Strike out the word "secretary" in line 17 of sec. 4, and insert in lieu thereof the word "clerk."

At the end of sec. 7 add the following: "*Provided, further*, that in each year that taxes shall be levied under this act the board of county commissioners shall cause a sufficient amount out of same to be set aside and used for the payment of the interest on said bonds and, beginning ten years after the issuance of said bonds, to create a sinking fund to pay them at maturity, setting aside each

Call of election  
discretionary.

Levy of tax  
included.

Proviso: other  
elections.

Notice of canvass.

Finding of board  
conclusive.

Records.

Clerk of board.

Proviso: reserve  
for interest and  
sinking fund.

year such an amount as will, when invested, be sufficient at maturity to pay one-twentieth of the principal of said bonds, before any expenditure shall be made for the other purposes specified in this section." Strike out of said section lines 14, 15, 16, and line 17 to the word provided.

SEC. 2. This act shall in no way modify or repeal the act heretofore passed at this session of the General Assembly relative to the issuance of \$300,000 bonds for road improvement in Randolph County. County law not affected.

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

Ratified this the 6th day of March, 1911.

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### CHAPTER 620.

#### AN ACT TO REGULATE PRIMARY ELECTIONS IN WAKE COUNTY AND THE CITY OR RALEIGH.

*The General Assembly of North Carolina do enact:*

SECTION 1. The nomination of all candidates of political parties as hereinafter defined in Wake County and the city of Raleigh, for all elective offices, including State, Congressional (member of Congress), judicial, including solicitor, county, city (including police justice), and township officers, and the election of party precinct committees and delegates to the respective county conventions of the respective political parties, shall be made in the manner provided in this act. Nomination of candidates.  
Election of precinct committees and delegates.

SEC. 2. All nominations for State offices, member of Congress, judicial offices and solicitor and members of the General Assembly, and all elections of delegates to county conventions and precinct committeemen shall be determined at a primary to be held on the first Saturday in June preceding the general election for said offices, respectively. Date of nomination and election.

SEC. 3. All nominations for county and township offices shall be made the last Saturday in August preceding the general election for said offices. County and township officers.

SEC. 4. All nominations of candidates for office of the city of Raleigh shall be made on the second Monday preceding the regular election for such offices. City officers.

SEC. 5. The aforesaid nominations shall be made on the dates specified, respectively, in primaries to be held and conducted under like provisions as the general election laws of the State of North Carolina or the election laws governing the city of Raleigh, as the case may be, in force at the time such primaries are held shall prescribe for holding State or municipal elections; and all the pro- Nominations by primaries.  
Law governing elections.

visions of chapter ninety of The Revisal of one thousand nine hundred and five and the amendments thereto, together with any other section of said Revisal or amendments thereto or other laws which relate to elections, not inconsistent with this act, shall apply as fully to such primary elections and to the acts and things done thereunder as to the general election; and all acts made criminal if committed in connection with a general election or municipal election, shall likewise be criminal, with the same punishment, if committed with reference to a primary election under this act.

Acts made criminal.

Punishment.

New registration.

SEC. 6. For the purpose of the primary to be held in the city of Raleigh preceding the election in May, one thousand nine hundred and eleven, there shall be a new registration of voters of the said city under such provisions as the governing body of said city shall provide.

New registration ordered on petition.

SEC. 7. At any subsequent primary upon the petition of ten per cent of the voters duly filed forty days prior to the date of a primary provided for in this act, the governing body of the city of Raleigh or the board of elections for the county of Wake, as the case may be, shall order a new registration for the said primary.

Electors.

SEC. 8. In such primaries as are provided in this act all electors who are duly qualified to register and vote under the provisions of the general election law of the State or the law applying to the city of Raleigh, as the case may be, in force at the time such primary is called, and who is a member of any political party participating in said primary shall have the right to register and vote in said primary election, under the same penalties and subject to the same punishments for violation of the provisions of this act as are prescribed by the laws of the State of North Carolina or laws governing elections for the city of Raleigh, as the case may be.

Challenges.

SEC. 9. Challenges shall be made, heard and determined as is provided, respectively, in the laws governing elections in North Carolina or the city of Raleigh, as the case may be: *Provided*, that any person registering or offering to vote may be challenged, and upon being challenged may be required to make oath that he is affiliated with and will in the next ensuing election support the nominees of the party with which he proposes to vote in any primary election: *Provided*, the registration books in all primaries under this act shall close on the second Saturday preceding the day for holding any primary, and challenges shall be made, heard and determined during the week proceeding the day for holding the primary: *Provided, further*, the foregoing provisions shall not be construed to prevent any elector from challenging any one who offers to vote on the primary day.

Proviso: oath of person challenged.

Proviso: close of registration.

Challenge days.

Proviso: challenges on election day.

Poll tax.

SEC. 10. In primaries for the nomination of officers of the city of Raleigh no one who has not paid his poll tax prior to May the first of the year preceding the primary shall be a qualified voter in said primary.

SEC. 11. The register of deeds of the county of Wake or the city clerk of the city of Raleigh, as the case may be, shall prepare and cause to be printed in the primary ballot of each political party for each precinct in said county or city for the purposes of primaries herein. Candidates for nomination shall file with the register of deeds or the city clerk, as the case may be, at least ten days prior to holding any primary, written notices of their intention to be candidates, stating for what nomination and at the hands of what party.

Preparation of ballots.

Notice of candidacy.

SEC. 12. It is hereby made the duty of the register of deeds of said county to cause to be printed upon the primary ballot of each party for each precinct in the county the name of each candidate whose declaration for nomination has been filed as herein provided. It shall be the duty of the city clerk to cause to be printed upon the primary ballot in primaries to determine municipal nominations of each political party for each precinct in the city of Raleigh, the name of each candidate whose declaration for nomination has been filed in his office, as herein provided, and which is to be voted for in such precinct.

Printing county ballots.

Printing city ballots.

SEC. 13. The primary ballots of each political party shall be separately printed upon paper of uniform quality, texture, and size; but the primary ballot of no two political parties shall be of the same color and tint. The officer whose duty it shall be to cause to be printed the primary ballots shall at least fifteen days prior to the date of the primary, post in a conspicuous place in his office an announcement of the color of the primary ballots of the respective parties, and shall also publish such announcement for at least one week in at least one newspaper of general circulation in the county. In the case of the city clerk, such publication shall be made at least one week in one daily newspaper printed and published in the city.

Specifications of ballots.

Notice of colors.

SEC. 14. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

Arrangement of ballots.

(1) At the top of the ballot shall be printed in large capital letters, words designating the ballot; if a Democratic ballot, the designating words shall be, "Democratic Primary Ballot"; if a Republican ballot, the designating words shall be, "Republican Primary Ballot"; and in like manner for each political party.

Heading.

(2) Beginning not less than one inch below the designating word, the name of each office to be filled shall be printed in capital letters and in the following order, to wit: State offices, district offices, county offices, city and town offices, or of such of said offices as candidates are to be nominated for at such primary, precinct committeemen and delegates to the respective conventions.

Offices to be filled.

Below the name of each office shall be printed in small letters the directions to the voters: "Vote for one"; "Vote for two"; "Vote for

Directions to voters.

three"; or a spelled number designating how many persons under that head are to be voted for.

Names of candidates.

Below the name of each office shall be printed in capital letters the names of all candidates (arranged in the order in which their declarations for nomination were filed) for the nomination to said office, which are entitled to be placed upon the respective primary ballot. The names of all candidates upon the primary ballot shall be printed in type of uniform size and the names shall be printed in column. Immediately opposite and in front of the name of each candidate shall be printed a square, and all the squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of the candidates for another office, to avoid confusion.

Distribution of ballots.

SEC. 15. The officer so charged with the printing of the primary ballots shall cause to be delivered to the primary judges of each precinct, not less than twenty-four hours before the time fixed for the opening of the polls, the official primary ballot of each political party, and the number thereof for each political party in each precinct shall be one hundred and fifty for each fifty votes cast in said precinct by said political party at the last preceding election.

Booths.

SEC. 16. All officers upon whom is imposed by law the duty of designating and providing polling places for general elections shall provide in such polling places so designated and provided a sufficient number of booths for the corresponding primary elections herein provided for, which booths shall be provided with shelves, such supplies and pencils as will enable the voter to prepare his ballot for voting, and in which voters shall prepare their ballots screened from all observation as to the manner in which they do so; and the guard-rail shall be so constructed that only such persons as are inside said rail can approach within six feet of the ballot

Guard rail.

Arrangement and location.

box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said rail. Such booths shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those outside the guard-rail. No person other than the election officers and the challengers allowed by law and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the guard-rail, except by police authority or the primary officers to keep order and enforce the law: *Provided*, that such booths shall not be required in voting places outside of Raleigh Township, unless ordered by the county board of elections. No person whatever shall do any electioneering or soliciting of votes on primary day within any polling place or within twenty-five feet of any polling place.

Admission within guard rail.

Proviso: booths outside Raleigh township.

Electioneering or soliciting votes forbidden.

Party ballots.

SEC. 17. The names of all candidates for all the offices voted for by each political party participating in any primary shall be on one ballot: *Provided*, there shall be a separate ballot, printed on

differently colored paper for each political party. Names shall be printed in the order filed. The size of the ballot shall be determined by the officer whose duty it is to prepare them.

SEC. 18. For the purposes of this act any political party whose leading candidate received as many as two per cent of the votes cast in the preceding general county or municipal election shall be a political party; and no political party as herein defined shall be allowed to offer candidates for any of the offices mentioned in this act except as herein provided.

SEC. 19. Nothing in this act contained shall be construed to prevent the nomination of independent candidates by petition as is now or may hereafter be provided by law, or to prevent any elector from writing or otherwise inserting any name on a ballot of a person for whom he wishes to vote.

SEC. 20. It shall be unlawful for any person to solicit votes or attempt to solicit votes in a primary under this act within twenty-five feet of a polling place on the day of such primary.

SEC. 21. Each political party participating in a primary shall be entitled to two representatives at each voting place, appointed by the judge of the precinct. These representatives shall be nominated by the managers of the respective factions contesting for the party nominations, if there be such factions. If there be no such factions, they shall be nominated by the chairman of the executive committee of the respective parties for the city or county, as the case may be. These representatives shall have the right to attend at the polling places and to challenge voters. But these representatives shall in no way undertake to aid voters in marking their ballots, unless first requested to do so by the voter, or in any other way to influence their votes.

SEC. 22. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away, with intent to influence or purchase a vote, except upon prescription of a licensed physician during the holding of any primary. Whoever violates the provisions of this section shall be fined in a sum not less than one hundred dollars (\$100) nor more than one thousand (\$1,000) dollars. It shall be the duty of the sheriff, constable, coroner, or other officers of the county, the magistrates and mayors of cities and police to see that the provisions of this section are enforced.

SEC. 23. If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, willfully and corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

SEC. 24. (1) Whoever unlawfully votes more than once at any primary or offers to vote after having once voted at such primary, or knowing that he is not a qualified elector at a primary, willfully votes at such primary, shall on conviction thereof be fined in a sum not exceeding one hundred (\$100) dollars or imprisoned in the

Order of names.  
Size of ballots.

Political party defined.

Independent candidates.

Soliciting votes.

Representatives of parties.

Nomination by factions.

Rights of representatives.  
Marking ballots.

Use of liquors forbidden.

Punishment.

Officers charged with enforcement of section.

False swearing perjury.

Punishment for unlawful voting.

county jail not exceeding six months, or both, in the discretion of the court.

Abetting unlawful vote.

(2) Whoever willfully aids or abets any one not legally qualified to vote at a primary in voting or attempting to vote at such primary; or,

Bribery of judge or registrar.

(3) Gives or offers to give anything of value or bribe to any judge or registrar of a primary, as a consideration of some act to be done or omitted to be done contrary to his official duty in relation to such primary shall, on conviction thereof, be fined in a sum not exceeding two hundred (\$200) dollars or imprisoned in the county jail not exceeding three months. Any judge or registrar who shall receive, request or demand any bribe or reward forbidden by this act, shall, on conviction, be liable to the same penalties as prescribed in this act for giving or offering to give such bribe or reward.

Punishment.

Judge or registrar receiving bribes.

Purchase or sale of votes.

SEC. 25. Any person guilty of buying or attempting to buy, or of selling or attempting to sell a vote or votes in said primary election shall be deemed guilty of the crime of bribery in primaries, and upon conviction thereof in any court of record, shall be sentenced to the county jail for not less than three months nor more than one year. That for a conviction of a second offense, under this section, the first being alleged and proved, such offender shall be by sentence of the court disfranchised and deprived of the right to vote at a primary in this State, for a term of five years, and be imprisoned in the county jail not less than one year.

Punishment.

Punishment for second offense.

Punishment for voting for persons under disfranchisement.

SEC. 26. Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction who shall before the expiration of his term of disfranchisement, vote or offer to vote at any primary under this act, shall upon indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term not exceeding two years.

Punishment for betting on elections.

SEC. 27. Whoever bets or wagers any money, property or other valuable thing upon the result of a primary, under this act, or bets or wagers money, property, or other valuable thing upon the number of votes which may be given to any person at a primary, or who shall receive the greatest number of votes at a primary, or agrees to pay any other person any money, property or other valuable things in the event that a primary shall result in one way or in the event that any person shall or shall not be nominated or shall receive a greater number of votes than others, upon conviction thereof shall be fined a sum not exceeding one hundred (\$100) dollars or imprisoned in the county jail one month, or both, in the discretion of the court.

Duties and liabilities of officers

SEC. 28. Judges and registrars, city clerks, register of deeds, boards of canvassers and all other officers of a primary under this act shall be held liable to the same duties and subjected to the same penalties and punishments as are prescribed for similar officers by

the general laws of this State of the city of Raleigh then in force, as the case may be.

SEC. 29. Every candidate in any primary under this act shall be required within ten days after the primary to submit to the clerk of the superior court, in other than a municipal primary, and in municipal primaries to the city clerk, a sworn statement of his expenditures on account of said primary, in detail, to whom paid and for what purpose; and he shall likewise submit to the said officers, respectively, within ten days of the primary, a statement of any financial aid received by him, the amounts, and from whom received. Any candidate failing to comply with this section or making a false statement shall be fined two hundred (\$200) dollars, and be imprisoned in the county jail for thirty days.

Candidates to file statements of expenditures.

Punishment for failure or false statement.

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

SEC. 31. This act shall be in force from and after its ratification. Ratified this the 6th day of March, 1911.

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#### CHAPTER 621.

#### AN ACT FOR THE RELIEF OF THE SHERIFF OF BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Burke County are hereby authorized and directed to pay to the sheriff of Burke County for special or extra service during any term of the superior court of said county such sum or sums as may be ordered and adjudged to be paid by the judge holding said term of court.

Pay for special service.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 622.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS OF STANLY COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Stanly County be, and it is hereby authorized, empowered and directed to

Call of election authorized.

submit, within a period of not less than forty and not more than sixty days from the filing with them of a petition signed by not less than two hundred of the qualified voters of said county, to the qualified voters of said county, the question as to whether or not the county of Stanly shall issue bonds in the sum of one hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving or macadamizing the public highways of said county; such election to be called from time to time, as often as the provision as to the filing of said petition is complied with. That the said board of county commissioners shall, for at least thirty days preceding the election, give public notice of said election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the votes cast in any such election shall be against the issue of bonds, the commissioners shall submit the question to the qualified voters from time to time as often as the requirements as to the filing of the petition herein provided for are complied with.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars and the judges of election in the same manner as is now provided, or may hereafter be provided, for the election of members of the General Assembly; and said county commissioners may or may not order a new registration for the said elections that may be held under the provisions of this chapter. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the results of said election shall be necessary.

SEC. 3. That at the said election or elections, the ballots tendered and cast by the qualified voters shall have written or printed, or partly written and partly printed upon them "For Good Roads," or "Against Good Roads"; and all qualified electors who favor the issuing of said bonds shall vote "For Good Roads," and all qualified electors opposed to the issuing of bonds shall vote "Against Good Roads."

SEC. 4. In the event that the majority of the votes cast in any such election held under the provisions of this chapter shall be cast "For Good Roads," the result shall be recorded and declared as aforesaid, and the board of county commissioners shall cause an election to be held within forty days from their next monthly meeting, to elect seven residents of said county, one to be elected from

among the qualified voters in each township in said county, and by the qualified voters thereof, to be known as the highway commissioners of Stanly County, said election to be held under the same rules and regulations as the elections for bonds, and the qualified voters of each township shall vote for some qualified elector residing in their township. The terms of office of said highway commissioners first elected shall be fixed as follows: At the meeting of the board of commissioners which shall canvass and declare the result of said election, the names of the seven highway commissioners shall be written upon slips of paper and drawn from a hat; the first two so drawn shall serve for a term of two years from the first Monday in December following, or until the first Monday in December next following the next election for members of the General Assembly, if it should sooner occur; the next three shall serve for four years from the first Monday in December following, or until the first Monday in December next following the second election thereafter held for election of members of the General Assembly, if it should sooner occur; the next two shall serve for six years from the first Monday in December following, or until the first Monday in December next following the third election thereafter held for the election of members of the General Assembly, if it should sooner occur. That as the terms of office of the said highway commissioners shall expire, their successors shall be elected for a term of six years at the general election held for the election of members of the General Assembly, the qualified electors in each township voting for the election of the highway commissioner to be elected therefrom as herein provided. That the board of highway commissioners shall have power to fill all vacancies by death, resignation or otherwise, until the next general election for members of the General Assembly, when the unexpired term shall be filled by election by the qualified voters of the township. That language used in fixing the terms of the first highway commissioners elected hereunder shall be construed to fix the termination, and not the beginning of said term, and that as soon as practicable after the election of said highway commissioners as herein provided, they shall meet, and after taking and subscribing before some person duly authorized to administer oaths, an oath to perform the duties of the said office to the best of their skill and ability, shall organize by electing one of their members chairman and another secretary, and shall pass such rules and regulations for their government as they shall deem best.

Law governing election.

Terms of office.

Election and term of successors.

Vacancies.

Commissioners to qualify and meet.

Organization.

SEC. 5. In the event that a majority of the votes cast at any such election held under the provisions of this act shall be "For Good Roads" the result shall be declared and recorded as aforesaid, and the board of commissioners of the county shall have bonds prepared of the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, as they may deem best, the total

Bond issue.

Denominations.

Amount.	amount being that provided for in the first section of this act.
Interest.	The said bonds shall bear a rate of interest to be determined by the board of county commissioners not exceeding five per cent per annum, the coupons attached payable semi-annually during the time the bonds shall run, and the principal thereof shall be payable forty years from their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Stanly County, in the court-house of Stanly County, North Carolina, and said bonds shall be numbered consecutively, beginning with the number one, and each bond shall be signed by the chairman of the board of county commissioners and countersigned by its clerk, and each coupon shall bear a fac-simile of their signature, and each bond shall be authenticated by the seal of the county and shall be styled "Stanly County Highway Improvement Bonds."
Maturity.	
Authentication.	
Delivery to highway commission.	SEC. 6. That immediately upon the preparation and signing of said bonds, the said board of county commissioners shall either exchange said bonds for the bonds of the State of North Carolina, or turn over to the chairman of the highway commission herein provided for, all of said bonds without the county seal having been affixed to any of them. The highway commission shall have power to advertise and sell all or any part of the said bonds, at such time and place as they may deem best, for the purpose of raising a fund with which to repair, make and improve the public highways of said county as aforesaid; the expense of such advertising and selling or other necessary expenses in regard thereto, to be paid out of the fund arising from the sale thereof. Before delivering any of the bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the custodian of the county seal of Stanly County, whose duty it shall be to affix said seal to the bonds so sold, and no bonds shall be of any value until such seal is so affixed, and when so affixed in accordance herewith, the same shall be to all intents and purposes a lawful sealing of the same. Said bonds shall not be sold or disposed of in any way for less than their face value, nor shall they or their proceeds be used for any other purpose than these described in this act: <i>Provided, however,</i> that the purchaser of said bonds shall not be required to see to the application of the fund. Said bonds 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 where payable, and the bonds shall show by what authority they are issued. The highway commission shall record all of their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold, the number of bonds and their denominations, to whom sold and the number of coupons attached. Said minutes shall always be open to the inspection of the board of county commissioners.
Sale of bonds.	
Purpose of fund.	
Bonds sealed as sold.	
Bonds not to be sold below par.	
Specific appropriation.	
Proviso: responsibility of purchasers.	
Record.	

SEC. 7. When any of the bonds provided for in this act are sold, the proceeds of the sale shall be turned over to the treasurer of Stanly County, who shall keep said fund separate from all other funds and keep separate accounts of the same. Said treasurer shall, annually before any fund provided for in this act is paid over to him, execute an official bond payable to the county of Stanly, in the usual form, the penal sum to be equal to the greatest amount which may at any time come into his hands during the succeeding year, conditioned for his faithful safekeeping of the same, and in all things holding, disbursing and accounting for the same as required by law, which bond shall be passed upon and received by the county commissioners of Stanly County, under the same provisions applying to the bonds of the county officers. All orders directed to the treasurer for the payment of money under this act shall state on their face that they are highway orders and to what account they are chargeable, and they shall be signed by the chairman and secretary of said highway commission: *Provided*, the county treasurer's compensation for the duties imposed by this act shall not exceed one per cent of money disbursed by him.

Proceeds paid to treasurer.

Separate fund and separate accounts.

Bond of treasurer.

Highway orders.

Proviso: compensation of treasurer.

SEC. 8. That in case said election shall be in favor of issuing

Road tax.

bonds, the board of county commissioners shall levy annually on the first Monday in June a separate road tax for the county of not more than twenty cents on the hundred dollars worth of property

Tax rates.

and not less than ten cents, and not more than sixty cents on the poll and not less than thirty cents, the constitutional equation

Constitutional equation.

being observed at all times, the subjects of taxation and the levying of the taxes to be the same as those on which the board of

county commissioners now are or hereafter may be authorized to levy taxes for general county purposes. The taxes so levied shall

Collection.

be collected as other taxes and the same shall be a separate fund to be applied, first, to the interest on said bonds; second, to the work-

Application.

ing and maintenance of the public roads under the provisions of the road law which may be in force for Stanly County; and, third, to the creation of an adequate sinking fund for the redemption of said

bonds. The sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued

Sinking fund.

under the provisions of this act, and neither the principal thereof, nor the interest thereon shall be used for any other purpose. The

Management and investment.

board of county commissioners shall manage and invest the funds at their discretion until paid out for the redemption of bonds in

the manner set out in this act: *Provided*, the said board of county commissioners may, in their discretion, from time to time use any

Proviso: purchase of bonds.

of said sinking fund for the purpose of purchasing in open market of any bond issued under the provisions of this act: *Provided*, the

Proviso: consent of owners.

holders of said bonds consent.

SEC. 9. The said highway commission shall have full and exclusive control of the construction, improvement, maintenance and

Control of roads and bridges.

- Use of funds. working of the roads and bridges of Stanly County, and shall use the funds derived from the sale of said bonds, to construct and improve the public highways in said county, and shall, in their discretion, purchase and hold or contract for the use of such tools, machinery, implements and stock, and employ such contractors, overseers, foremen and laborers as they may deem necessary for the said purpose, and shall expend such part as is available of the funds raised by the tax levy to maintaining and working said roads and bridges. Persons convicted in any way in the courts of the county, superior, justices, recorder's, or mayor's courts, and sentenced to the public roads, may be assigned by the board of county commissioners into the custody and control of the highway commission. Said convicts, while in the custody and under the control of the said highway commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the fund derived from the sale of said bonds: *Provided*, that when the highway commission 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 Stanly County, upon application of the highway commission 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, he may sentence such able-bodied male prisoners as are described in section nine of this act from such adjoining counties or other counties in the same and adjoining judicial districts, to work on the public roads of Stanly County, and the cost of transporting, guarding and maintaining such prisoners as may be sent to said county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of said county: *Provided*, that any and all 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 Stanly County.
- Convicts assigned to road work.
- Employment and expense of convicts.
- Proviso: convicts from other counties.
- Proviso: return of convicts.
- Classification of roadways.
- Selection of roads.
- Proviso: highways in towns.
- Thoroughfares or highways.
- SEC. 10. For the purposes of this act the roadways of the county are hereby classified as follows, and the funds raised under the provisions of this chapter shall be expended upon such highways as herein classified as the highway commission, in its discretion, may decide to improve: *Provided*, that such highways shall be improved within the limits of the incorporated towns whenever such highway may extend into or through such incorporated town:
- (a) The thoroughfares or highways include the more important public roads which usually lead through two or more townships or counties and are extensively used by the traveling public. These become the highways of the county as they are properly graded and drained and have their surfaces improved by being covered with

broken stones, gravel, shells or suitable admixture of sand and clay.

(b) The neighborhood or branch roads are public roads which are usually to the limits one or two townships and generally lead to main thoroughfares. Neighborhood or branch roads.

(c) Cartways, which have no general public junction, are private ways opened up to allow one or more persons on foot, on horseback, or with any vehicle, to pass to and from his or her property through lands belonging to other parties in order to reach the public road. Cartways.

SEC. 11. That the thoroughfares or highways as defined above to be improved or constructed in accordance with the provisions of this act, prior to the inauguration of any such permanent improvement on the road or highway to be so improved or constructed, shall be first carefully surveyed and located by a competent road engineer, trained and experienced in such work, aided by such assistance 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 highway commission. All such public roads or highways, where changed or hereafter located or re-located or widened, shall be given a grade nowhere greater than five feet in one hundred feet, and they shall have a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions: *Provided*, that where in the opinion of an experienced and competent engineer, insurmountable obstruction make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred, 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 hill its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall not be less than thirteen feet: *Provided, further*, that these thoroughfares or highways shall have a right-of-way of forty-five feet wide, but the width of the roadbed within the limits here specified shall be decided by the highway commission. All such roads shall be thoroughly drained, and whenever it may be necessary to turn water across them, this shall be done by putting in sewer pipes or other forms of covered drains or culverts. These thoroughfares or highways as they are improved under the provisions of this act shall be located at a distance from any railway line of not less than two hundred (200) feet, except in cases where in the opinion of an experienced road engineer a nearer approach to said railway line for a few yards be necessary. They shall cross said railway lines only when, in the opinion of such engineer, this be necessary; and at such crossings, whenever possible, the roadway shall be located either under or over the said railway line; and it shall be the duty of the company operating the said railway line to construct and keep in good repair the roadbed,

Survey and location.

Details of highways.

Proviso: increase of grade.

Proviso: decrease of width.

Proviso: right-of-way.

Drainage.

Distance from railways.

Railway crossings.

Construction and repair of crossings.

including necessary bridges or culverts, of such thoroughfares or highways across the right-of-way occupied and claimed by said railway company, this precaution being taken as a proper safeguard to life.

Details of neighborhood roads.

SEC. 12. The neighborhood or branch roads, as defined in section ten (b) of this act, shall have a right-of-way of forty feet; but the width and grade of the roadway, and specifications under which these roads shall be kept in repair, shall be decided by the county superintendent of roads, subject to the approval of the highway commission; and said roads may be re-located or otherwise changed in the manner provided for in section eleven of this act. The amount and nature of the labor to be performed in the maintenance and repair or change of any one of these roads or parts thereof, shall be at the discretion of the superintendent or supervisor in charge of said roads, except as otherwise provided herein.

Details of cartways.

SEC. 13. Cartways, defined in section ten (c) of this act are to be kept in repair by parties using the same. Any party desiring a cartway opened up over the lands of another person or persons may file his petition for the same before the highway commission, praying for a cartway to be kept open across such other person's land, leading to some public road; and upon his making it appear to the commission that the owner or owners of said lands, or their legal representatives, have had ten days notice of his intention, the board shall hear the allegations of the petitioner and the objections, if any, of the owner or owners or their representatives, and if sufficient reason be shown shall order the constable or other officer to summon a jury of five freeholders to view the premises and lay off a cartway not less than fourteen feet wide, and assess the damages, if any, 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. Cartways, laid off according to the provisions of this section, may be changed or discontinued upon application by any person concerned, under the same rules of proceeding as they may be first laid off, and upon such terms as to the highway commission shall seem equitable and just. Any person through whose land a cartway may pass may direct gates or bars across the same; if any person shall break down or otherwise injure such gates or bars he shall forfeit or pay, for every such offense, ten dollars to the person erecting the same or the owner of the land; and if the offense shall be maliciously done he shall be guilty of a misdemeanor: *Provided*, that in case a cartway has been granted by mutual consent of the interested parties and without official sanction shall not be closed by any party until opportunity has been given for the establishment of such a cartway as herein provided for; and any person so closing a cartway in violation of this provision shall be guilty of a misdemeanor.

Gates or bars.

Forfeit for injury to gates or bars.

Malicious injury a misdemeanor.  
 Proviso: cartways established by consent.

SEC. 14. As soon as the highway commission shall be organized they shall elect by ballot a highway superintendent for the county of Stanly and fix his compensation. The result of said election shall be declared and recorded in the proceedings of the highway commission. The person so elected shall take and subscribe an oath for the faithful performance of his duty as such superintendent, and shall execute an official bond in the sum of two thousand five hundred (\$2,500) dollars for the faithful performance of his duties and for accounting for all money and property which may come into his hands as such officer. He shall hold his office for two years and until his successor qualifies, except that the highway commission may for good cause remove him from his said office and elect a successor for the unexpired term. He shall have direct supervision of the location, construction and maintenance of all the road work of the county, subject to the approval of the highway commission. It is further provided, that the said superintendent shall be a competent and experienced road builder, and in case the General Assembly does not provide the necessary appropriation to enable the State to furnish engineering assistance to the counties, the said road superintendent shall be a competent road engineer.

Election of highway superintendent.

Superintendent to qualify and give bond.

Term of office.

Duty.

Qualification of superintendent.

SEC. 15. The treasurer of Stanly County shall on the first Monday in each and every month post at the court-house door of said county itemized statement showing in full an account of his receipts and disbursements for the previous month, and the highway commission shall require him to account to them quarterly in each year for the said highway fund, and it may require as often as it may deem best reports from officers and employees concerning their progress and their duties, and to what extent and in what manner they have performed the same.

Itemized statements posted monthly.

Quarterly accounts.

Reports.

SEC. 16. The board of county highway commissioners shall have power, on petition or on their own motion, to re-locate, construct, widen or otherwise change public roads or parts thereof, and to lay out and construct new roads when in their judgment the same will be advantageous to public travel, and for such purposes are authorized, through their agents, to enter upon lands to make the necessary surveys. Before doing any work or construction apart from the surveys, the said board shall give to the landowner over which the proposed new road or change of road may run, at least five days notice in writing of a time and place when and where the board will consider the question of condemning the necessary land. If the landowner be a minor or insane, such notice shall be given to him and his guardian, or, if there be no guardian, to the person with whom he is living. If the landowner be a nonresident or can not be found within the county, such notice shall be mailed to his last known address and published in a newspaper of Stanly County at least seven days before the hearing. If the highway commission shall find the proposed improvement advantageous to pub-

Powers of highway commission.

Entry on lands.

Notice to landowner.

Order for condemnation.

lic travel and shall decide to condemn the land necessary for the road, they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation, the findings and order of the highway commission shall not be subject to review.

Limit of land condemned. No strip of land wider than forty feet, with such additional width as may be necessary for cuts and fills, shall be acquired by condemnation.

Possession of land. Upon making the order of condemnation, the said commission shall have authority, through their agents, to immediately take possession of the land described in the order and construct the road. If the landowner after the road has been relocated or otherwise changed or after the new road has been opened, shall consider himself damaged and shall be unable to agree with the commission as to the amount of damages, he shall within ninety days after opening, re-locating or otherwise changing the road, apply to the clerk of the superior court for an assessment of damages. Five days notice of such application shall be given to the highway commission. The clerk shall appoint and cause to be summoned a jury of three disinterested freeholders to assess the damages, and shall at the time of appointing the jury, fix the time and place for their meeting. If for any cause the jurors shall fail to so meet, they shall meet at such other time and place as may be fixed by them after giving forty-eight hours notice thereof to the commission and to the landowner or his attorney. The jurors, being duly sworn, shall, in considering the question of damages, take into consideration the benefits of the landowner and shall render a verdict for such amount, if any, as the damages exceed the benefits, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly. Either the commission or the landowner may appeal to the superior court within ten days from the filing of the report. If the landowner appeals, the clerk shall require him to give bond or make a deposit of a sum not exceeding one hundred dollars, this to secure such cost as may be recovered against him on appeal, and if the amount of damages recovered by him in the superior court shall not exceed the amount offered him by the commission prior to the assessment of damages before the clerk, he shall be taxed with all costs accrued since the time of such offer. If the landowner make affidavit of inability, by reason of poverty, to give the required bond or deposit, he shall be allowed to appeal without bond. The bond or deposit may be increased by the judge of the superior court. The appellate court shall in no-wise adjudicate the necessity of the re-location, widening or other change or of the opening of the road, but shall try under the rules of procedure of the superior court only the question of damages and benefits: *Provided*, that if the commission shall desire to have the damages assessed before proceeding to the work of construction, and shall fail to agree with the landowner as to the damages, they shall within sixty days after the order of condemnation make appli-

Proceedings for assessment of damages.

Right of appeal.

Bond on appeal.

Procedure on appeal.

Proviso: prior assessment of damages.

cation to the clerk accordingly, first, however, serving upon the landowner, in the manner as hereinbefore provided for, condemnation notice of such application. Upon hearing the application the clerk shall appoint and cause to be summoned three disinterested jurors, who shall proceed and make report as hereinbefore directed, except that they shall separately state therein the damages caused by the survey or surveys, and the rights of appeal and proceedings on appeal shall be as hereinbefore set forth: *Provided*, that within ten days after the filing of the report or before final judgment in the superior court, if an appeal shall have been taken, the commission shall have the election to abandon the proposed road improvement or construction, and in such case the clerk or the judge of the superior court, if an appeal shall have been taken, shall render judgment, so declaring, setting aside the order of condemnation awarding to the landowner the damages actually sustained and taxing the commission with all costs.

Proviso: election of abandonment.

SEC. 17. The board of county commissioners of Stanly County shall audit 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 county commissioners may institute and prosecute any necessary action for recovery of such road taxes in case an official fails to account for the same.

Audit and settlement of accounts.

SEC. 18. All expenses incurred by the highway commissioners on account of meetings held by reason of duties imposed by this act shall be paid upon their order out of the funds provided for by this act.

Expenses of meetings.

SEC. 19. Any highway commissioner or superintendent making or causing to be made any fraudulent order, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court, and shall be removed from office. Any highway commissioner or superintendent neglecting or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not more than fifty (\$50) dollars or imprisoned not more than thirty (30) days.

Fraudulent order misdemeanor.

Punishment.

Neglect of duty a misdemeanor.

Punishment.

SEC. 20. That any township in Stanly County that has a majority of votes cast for good roads in any election held in said county; if the whole county should fail to carry said election, then and in that event any township or townships may have all the benefits in this act carried out in said townships; and the county commissioners of Stanly County are hereby constituted for highway commissioners for said township or townships. This section shall not interfere with the act creating this bill.

Vote for act by townships.

SEC. 21. That the compensation of said highway commissioners shall be the same in all respects as the compensation of the county commissioners of Stanly County.

Compensation of highway commissioners.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

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#### CHAPTER 623.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THREE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND NINE, ENLARGING THE JURISDICTION OF THE RECORDER OF LAURINBURG.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and three, Private Laws one thousand nine hundred and nine, be and the same is hereby amended by adding to the end of section three thereof the following: "and the recorder herein provided for shall have concurrent jurisdiction with the superior court of Scotland County over the following offenses, to wit: All violations within said town of chapter seven hundred and forty-one, Public Laws one thousand nine hundred and seven; all violations within said town of chapter seventy-one, Public Laws one thousand nine hundred and eight; all violations within said town of the near beer laws of the State; carrying concealed weapons. And authority is hereby given to the recorder of the town of Laurinburg, whenever any fine has been imposed upon any person for the violation of any of the ordinances of said town to require such person to work out such fine upon the streets of said town, or to hire out such person so fined to some person within the county for the payment of such fine: *Provided*, that such working or hiring out shall not be for a longer period than thirty days.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 624.

AN ACT TO PROVIDE A LEGALIZED PRIMARY ELECTION FOR THE COUNTIES OF CURRITUCK, CAMDEN AND CHOWAN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That every political party, organization or association in the counties of Currituck, Camden, Pasquotank and Chowan

Jurisdiction  
concurrent with  
superior court.

Sentence to labor.

Proviso: limit.

Method for  
nomination  
prescribed.

naming or running a ticket for election at the general election held every two years for the election of county or town officers and members of the General Assembly shall nominate its candidate on said ticket for those respective offices in the manner herein provided, and in no other way; and any political party, organization or association, or its agents, representatives or managers, offering a ticket for the purpose of having it voted by the electors at such general election for said county or town officers and members of the General Assembly not nominated as herein provided shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court: *Provided*, that nothing herein contained shall prevent any elector from changing, modifying, substituting or eliminating any part of his ticket in accordance with his own wishes, in the event that he has not bound himself otherwise by participating in the regularly held primary of some political party, organization or association.

Nominating by other methods misdemeanor.

Punishment.

Proviso: right of electors.

SEC. 2. That the county board of elections of Chowan, Currituck and Camden counties shall meet and fix a date for said primary election and appoint a registrar and two judges for each voting precinct in the county. The date fixed for said primary shall be the same for all political parties or associations and shall be held at the same time and place and under same rules and regulations. The polls shall be kept open from six-thirty a. m. to six-thirty p. m. The date fixed for said primary shall be thoroughly advertised for twenty days.

County board of elections to fix date and appoint officers.

Date uniform.

Hours of voting. Advertisement.

SEC. 3. That said county board of elections or governing body of said party or association shall require an entrance fee to be paid by each candidate for the various offices, according to the nature and emoluments of the office for which he is a candidate, and the sums so received from the various candidates shall be used to defray the necessary expenses of holding the primary, printing the tickets for the candidates and other necessary expenses, and surplus shall be used in defraying the expenses of the campaign after the primary. Every candidate entering his name for any office shall, in addition to paying the entrance fee, sign a pledge to conduct a decent campaign, not to use whiskey or money in buying votes, directly or indirectly, nor to practice any fraud to secure votes, and to abide the results of the primary and loyally support all of its nominees. Said board of elections or other governing board shall also have power to provide that all candidates for State, congressional and judicial offices shall be voted for in Chowan, Currituck and Camden counties in the same manner as the candidates for the county office and members of the General Assembly, as herein provided.

Entrance fee.

Pledges by candidates.

Other nominations.

SEC. 4. The chairman of the county executive committee of each political party shall have printed two sets or lots of tickets, or more if necessary. On one set or lot he shall have the names of all

Tickets.

- the candidates for the various county offices, dividing the names according to the office to which they aspire, and on another set he shall have all the names of all the candidates for the Legislature.
- Marking tickets.** The elector shall mark out all the names on the ticket except the names of those for whom he desires to vote, if two names for the same are left on ticket unmarked neither of the two shall be counted. On the top of each ticket shall be printed in large, bold type the name of the party to which the candidates belong.
- Designation of party.**
- Nominations for State and township officers and U. S. senators.**
- Tickets.** SEC. 5. The county board of elections may require the nominations of State officers and township officers made in the same way and on same date or on different days, and may also require a vote for United States senators. The said board may have tickets prepared for officers named in this section or may allow the individual tickets to be used.
- Electors.** SEC. 6. All persons who were registered and eligible to vote in last general election and all persons entitled to register and vote in next general election shall be eligible to vote in said primary and no others. All persons shall be subject to challenges as provided for in general election law, and may be required to take an oath that he will support all the nominees of his party.
- Challenges.**
- Ballot boxes.** SEC. 7. The registrar and judges of election shall prepare as many boxes as there are political parties for each set of tickets to be voted and the name of a political party shall be plainly marked on each box. When an elector offers himself for voting, he shall present his ballot so that the name of the political party printed thereon shall be plainly visible. If he be a qualified elector, he may deposit his ballot in the ballot box of the political party whose ballot it is, but in no other, or he may permit the registrar or a judge of election to so deposit it. At the same time the name of the voter shall be entered on the poll book, together with the name of the political party in whose ballot box he voted.
- Presentation and deposit of ballots.**
- Poll books.** SEC. 8. When the polls are closed the registrar and judge of election of each precinct in the county shall publicly count the ballots and make out the returns and shall appoint one of their number as a member of the board of canvassers. The several members thus appointed shall constitute the county board of canvassers. The said returns, with the registration books and all papers connected with or used in said election, shall be transmitted by said member.
- Count and return of votes.** The county board of canvassers shall meet in the court-house in the county seat at twelve o'clock m. on the Monday following the day said primary election is held and canvass the votes cast in the county for the various offices and shall declare the nominees of the offices at the court-house door. No candidate shall be declared the nominee of any party for any office unless he shall receive a majority of the votes cast in said primary for said office; and in the event that no candidate receives a majority of the votes cast for the office to which he aspires then a second primary shall be held
- Board of canvassers.**
- Canvass of returns.**
- Declaration of nominees.**
- Majority to nominate.**
- Second primary.**

in two weeks under the same rules and regulations as the first primary, unless all except one candidate voluntarily withdrawn in the meantime: *Provided*, that only the two candidates receiving the highest number of votes in the first primary shall be eligible as candidates in the second primary. Provide: candidates in second primary.

SEC. 9. No candidate shall be voted for in said primary election for the legislature, county, town or township office unless he shall have filed a notice with the chairman of the county board of elections and made the deposit required by the county board of elections and whose name is not on the official ballot. If any party who has not filed the required notice and whose name is not on the official ballot, shall offer a ticket to be voted, he shall be guilty of a misdemeanor, and if any person shall participate in a primary and shall vote or offer to vote in the general election a ticket of a different political party from that which he voted in the primary he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Notice and deposit. Acts declared misdemeanor. Punishment.

SEC. 10. The chairman of county executive committee shall publish rules, regulations and directions for voting, at each precinct—shall require all judges and registrars to be sworn—shall cause all ballot boxes to be opened and inspected before election, and in all respects where this act does not apply or is uncertain the general election law shall apply. Duty of chairman of executive committee.

SEC. 11. The provision of this act shall apply to all incorporated towns of over one thousand (1,000) inhabitants, except the hours for keeping the polls open may be changed and may allow individual tickets to be used—the polls shall be kept open for at least three hours—notices of primary elections in all towns shall be posted for at least fifteen days. The county board of elections shall call the primary and appoint the judges and registrar. Application to incorporated towns.

SEC. 12. This act shall apply to the counties of Chowan, Camden and Currituck, and shall be in force from and after its ratification. Application of act.

Ratified this the 6th day of March, 1911.

#### CHAPTER 625.

AN ACT TO CORRECT AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the title of an act entitled "An act to amend chapter eight hundred and forty-two of the Private Laws of one thousand nine hundred and seven," be amended by striking out the word "private" and inserting the word "public" in lieu thereof, so Title corrected.

that the title of the act shall read, "An act to amend chapter eight hundred and forty-two of the Public Laws of one thousand nine hundred and seven."

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

Ratified this the 6th day of March, 1911.

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CHAPTER 626.

AN ACT TO AMEND AND RE-ENACT CHAPTER ONE HUNDRED AND THIRTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE, RELATIVE TO THE LAYING OUT AND CONSTRUCTING A PUBLIC ROAD FROM STONEWALL TO THE NEUSE RIVER ROAD IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirty-nine of the Public Laws of North Carolina, passed at the session of the General Assembly of one thousand eight hundred and eighty-three, and ratified February seventeenth, A. D. one thousand eight hundred and eighty-three, be and the same is hereby amended as follows: Amend section one by substituting the names of J. L. Gatling, G. W. Hamilton, J. W. Rawls, C. E. Brinson and T. B. Attmore as commissioners in lieu of the names of John B. Martin, James H. Gaskins and Bradford Gatlin.

Commissioners  
changed.

SEC. 2. Strike out the words "Dawson Creek" in said section one and insert the words "near Arapahoe" in the place thereof.

Location.

SEC. 3. Strike out all of section six of said chapter one hundred and thirty-nine, laws of one thousand eight hundred and eighty-three.

Section stricken  
out.

SEC. 4. Amend section seven by adding after the word "surveyor" and before the word "and" in line three the words "or some other competent surveyor."

Surveyor.

SEC. 5. Add to the end of section seven the following: "And the county commissioners of Pamlico County are hereby authorized and empowered to donate from the road fund of Pamlico County such sum or sums of money as they may deem proper and just for the construction of said road."

Donation from  
road fund.

SEC. 6. That chapter one hundred and thirty-nine of the Public Laws of one thousand eight hundred and eighty-three as hereby amended, is re-enacted.

Law re-enacted.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 627.

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-FIVE OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO STOCK LAW, AND TO ALLOW THE COMMISSIONERS OF CUMBERLAND COUNTY TO LEVY AN ADDITIONAL TAX THEREUNDER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section sixteen hundred and eighty-five (1685) of The Revisal of one thousand nine hundred and five (1905) be amended by adding a proviso thereto reading: "Provided, the board of commissioners of Cumberland County may levy an assessment upon all real property in any of the stock law townships or districts, now or hereafter created, in said county not to exceed one-half ( $\frac{1}{2}$ ) of one per centum on the value of said property." Proviso: rate of stock law tax.

SEC. 2. This act shall apply only to Cumberland County.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, 1911.

## CHAPTER 628.

AN ACT SUPPLEMENTARY TO HOUSE BILL NUMBER ONE THOUSAND FOUR HUNDRED AND THIRTY-EIGHT, SENATE BILL NUMBER ONE THOUSAND TWO HUNDRED AND NINETY-NINE, BEING AN ACT OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND ELEVEN, ENTITLED "AN ACT TO PLACE THE OFFICERS OF ROBESON COUNTY UPON A SALARY BASIS."

*The General Assembly of North Carolina do enact:*

SECTION 1. That House Bill number one thousand four hundred and thirty-eight, Senate Bill number one thousand two hundred and ninety-nine, being an act of the General Assembly of one thousand nine hundred and eleven, be and the same is hereby amended as follows:

(a) By striking out all the words in section seven (7) of said Salary of sheriff. act after the words "the sum of" in line two, and inserting in lieu thereof the words "forty-eight hundred (\$4,800) dollars per annum."

(b) By striking out all the words in section eight (8) after the words "the compensation of" in line three, and inserting in lieu thereof the following: "All such assistants and deputies as shall be necessary to the satisfactory discharge of the duties of his office, Assistants and deputies."

(c) By striking out all the words in section eight and one-half (8½) after the words "the collection of taxes" in lines four and five.

SEC. 2. All laws and clauses of laws contrary to this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, 1911.

## CHAPTER 629.

### AN ACT TO AMEND THE ROAD LAW OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five, chapter eighty of the Public Laws of one thousand nine hundred and nine, be amended by adding after the word "thereof" in line ten of said section the following words: "Provided, however, that the board of county commissioners of Buncombe County, upon a petition or petitions signed by a majority of the qualified voters of any township requesting an election or special election upon the question of keeping up the public roads of said township by taxation instead of by free labor, may order an election to be held in such township at the voting place or places in said township where the regular election is usually held, and under the same laws, rules and regulations as are now in force for the election of representatives to the General Assembly. At said election all the duly qualified voters of said township shall have the privilege of voting for or against said proposition; a ballot with the words "For Special Tax" printed thereon shall be used by those favoring the proposition, and a ballot with the words "Against Special Tax" printed thereon shall be used by those opposed to said proposition. In case a majority of the votes cast at said election shall be favorable to the proposition of keeping up roads by taxation, the board of county commissioners of Buncombe County may levy a special tax of not more than ten cents on the hundred dollars worth of all taxable property in such township, and may levy and collect in lieu of the four days free labor now provided by law the sum of not more than three dollars upon all persons subject to road duty under the present law, said three dollars to be a per capita tax. Said special tax or taxes shall be collected by the tax collector of Buncombe County in the same manner as other taxes are collected, and shall keep the taxes so collected separate and apart from the other taxes of said county, and the board of county commissioners of said county shall expend said taxes so collected upon the public roads and bridges of said township for the purpose of keeping up, repairing and maintaining same. And for the pur-

Collection of taxes.

Proviso: special elections in townships.

Ballots.

Special tax.

Limit of rate.

Collection of tax.

Expenditure.

pose of working and keeping up said roads the said board of commissioners shall have full right and authority to enter into contract with any person or persons and shall require such bond for the faithful performance of same as to them may seem reasonable, and shall do all things necessary to provide for the adequate and complete construction and repairing of said roads of said township, taking into consideration the amount of money to be expended and the condition of the roads to be worked.”

Roads let to contract.

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 this the 6th day of March, 1911.

### CHAPTER 630.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PENDER COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR MAKING, IMPROVING AND MAINTAINING THE PUBLIC ROADS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of said county are hereby authorized and empowered to submit to the qualified voters of said county, at such time as in their discretion they may deem best, the question of issuing bonds in the sum of one hundred thousand dollars, with interest coupons attached for making, improving and maintaining the public roads of said county. Said board of county commissioners shall, for at least thirty days preceding said election, give public notice of said election and the purpose thereof by publication in some newspaper published in said county: *Provided*, that if a majority of votes cast in said election shall be against the issuing of said bonds, the said board of commissioners may submit the said question to the qualified voters of the said county at any other time after the lapse of twelve months, under the same rules and regulations as are hereinafter provided.

Call of election authorized.

Amount to be voted on.

Notice of election.

Proviso: further election.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now, or may hereafter be, prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that said board of county commissioners shall appoint their registrars and judges of election and any other election officers, and registration challenge of votes shall be conducted in the same manner as is now provided, or may hereafter be provided for the election of members of the

Law governing election.

Proviso: election officers.

Registration and challenges.

- General Assembly, and the said board of county commissioners may, or may not order a new registration for any of the elections herein provided for. The votes shall be counted at the close of the polls, and returned to the said board of county commissioners at a meeting to be held by it on the Thursday next following the election, and said board shall tabulate and declare the result of the election; all of which shall be recorded in the minutes of the board of county commissioners, and no other record and declaration of the results of said election shall be necessary.
- New registration.**
- Count and return of vote.**
- Canvass and record.**
- Ballots.** SEC. 3. That at the said election, or elections, the ballots cast shall be upon white paper, without device, and shall have written or printed upon them "For Goods Roads" or "Against Good Roads," and all qualified electors favoring the issue of said bonds shall vote for good roads, and all qualified electors opposing the issuing of said bonds shall vote against good roads.
- Election and term of highway commission.** SEC. 4. In the event that a majority of the votes cast at said election shall be "For Good Roads," the board of county commissioners of said county shall elect five electors, residents of said county, to be known as the highway commission of Pender County, whose term of office shall be two years: *Provided*, that the said board of county commissioners shall have power to fill all vacancies caused by death, resignation or otherwise for an unexpired term.
- Proviso: vacancies.** That as soon as practicable after the election of said members of the highway commission, they shall meet and organize by electing one of their members chairman of said commission and another of their members clerk, and shall pass such rules and regulations for their government as they shall deem best: *Provided*, that the highway commissioners shall take an oath before some person to administer oaths to perform the duties of said office to the best of their skill and ability.
- Organization.**
- Proviso: commissioners to qualify.**
- Bond issue.** SEC. 5. In the event that the majority of the votes cast at said election shall be "For Good Roads," and the result shall be declared and recorded as aforesaid, the board of county commissioners of Pender County shall have prepared bonds in denominations not exceeding one thousand and not less than one hundred dollars, the total amount to be that provided for in the first section of this act; and the said bonds shall bear a rate of interest not exceeding five per centum per annum, if the 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 forty years from the date of their issue, as the said board of commissioners may determine. Said bonds and coupons shall be payable at the office of the treasurer of Pender County, North Carolina. Said bonds and coupons shall be signed by the chairman of the 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 "Pender County Highway Improvement Bonds."
- Denominations.**
- Amount.**
- Interest.**
- Maturity.**
- Authentication.**

- SEC. 6. When said bonds shall have been prepared said board of commissioners shall be authorized to advertise and sell so many of said bonds from time to time as shall be deemed necessary and advisable for the proper prosecution of the work, by a joint meeting of the highway commission and the board of county commissioners: *Provided, however,* that only such bonds as shall have been sold as above provided, shall be signed, sealed and delivered: and *Provided, further,* that the expenses of preparing, advertising and selling said bonds shall be paid by the commissioners of Pender County out of the general county funds, which sum shall be reimbursed to them out of the proceeds of sale of said bonds by order of the highway commission.
- SEC. 7. That none of the bonds authorized by this act shall be disposed of, by sale, exchange or otherwise, for less price than their face value, nor shall said bonds or other 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 board of commissioners shall record all their proceedings in respect to said bonds in the minutes of their meeting; and when any of the same are sold, the number of bonds, their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided,* that the minutes book and all other books kept by the said commission shall at all times be open to the inspection of the people of the county.
- SEC. 8. When any of said bonds are sold, the proceeds of sale shall be turned over to the treasurer of Pender County, who shall receive a commission of one per cent only for handling the same; that is to say, for receiving and disbursing; and said treasurer shall keep said bonds and all other funds which may come into his hands, separate from all other funds, and he shall keep separate account of same, and said treasurer shall annually, before any funds provided for in this act, be paid over to him, execute an official bond, payable to the county of Pender in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year, by reason of this act, conditioned for his faithful keeping of the same, and rendering a true account in respect thereto, and in all things holding, dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and approved by said county commissioners. All orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders and to what account they are chargeable, and shall be signed by the chairman and secretary of said highway commission. The
- Sale of bonds.
- Proviso: bonds executed as sold.
- Proviso: expense of bond issue.
- Bonds not to be sold below par.
- Specific appropriation.
- Record.
- Proviso: records open to inspection.
- Proceeds paid to treasurer.
- Commission.
- Separate funds and accounts.
- Bond of treasurer.
- Highway orders.

Cost of treasurer's bond.	official bond of the treasurer above provided for shall be paid for from the general funds of Pender County.
Road tax.	SEC. 9. That in case said election shall be in favor of issuing
Limit of rate.	bonds the board of commissioners of Pender County shall levy annually on the first Monday in June a separate road tax for said county of not exceeding ten cents on the one hundred dollars worth of property nor exceeding thirty cents on each poll, the subjects of taxation, and levying taxes to be the same on which said board of county commissioners now are, or may hereafter be, authorized to
Collection.	levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund to be applied: (1) to the payment of the interest on said bonds; (2) to the opening, improving and maintaining of public highways under the provisions of this act; and (3) to the creation of a sinking fund for the redemption of said bonds, said sinking fund, as set aside, to be paid by the treasurer of Pender County to the sinking fund committee of said county, to be safely invested according to law, and neither the principal and the interest thereon shall be used for any other purpose than the redemption or payment of the bonds specified in this act: <i>Provided, however,</i> that if the State of North Carolina shall become the purchaser or guarantee of the issue of bonds provided for in this act, the interest and the sinking fund, if necessary, herein provided for, shall be paid to the treasurer of the State of North Carolina, under such rules and regulations as may be provided by law.
Application.	
Investment of sinking fund.	
Proviso: payments to State.	
Use of funds.	
Employment of convicts.	SEC. 10. That the said highway commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways of said county, and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foreman and laborers as said highway commission may deem necessary for said purposes. The said highway commission, in addition to using the convicts of Pender County, may employ convicts from other counties or the convicts of the State, and all convicts while in the custody and control of highway commission shall be employed in the construction, repair and maintenance of highways under the provisions of this act, and the expense of maintaining and guarding said convicts, while so employed, shall be paid out of the road funds herein provided for.
Election and compensation of highway superintendent.	SEC. 11. That as soon as the highway commission shall be organized they shall elect by ballot a highway superintendent for Pender County, who shall be a competent and experienced road engineer having practical experience in the modern construction of highways, and fix his compensation and the result of said election and the salary to be paid shall be recorded in the minutes of said highway commission. Said person so elected shall take and subscribe to an oath for the faithful performance of his duty as highway superintendent and shall execute an official bond in the sum of at least
Superintendent to qualify and give bond.	

twenty-five hundred dollars, for the faithful performance of his duties and for accounting for all money and property which may come into his hands as such officer. Said bonds shall be approved by the highway commission and said superintendent shall hold his office for two years, and until his successor be elected and qualified, except that the said highway commission may, for good cause, remove said highway superintendent from his office and elect his successor for the unexpired term. The said highway superintendent shall enter upon his duties and work when and where directed by said highway commission, and shall have such authority and perform such duties as may from time to time be determined by said highway commission, in accordance with the performance with this act. The said superintendent shall prepare the necessary specifications for each of the highways to be constructed and improved under the provisions of this act, and no road shall be constructed or improved except in accordance with such specifications, and no person shall receive any compensation for work upon any highway of said county until such work has been approved by the highway superintendent.

Term of office.

Duties and authority.

Specifications for roads.

Approval of work.

SEC. 12. That in opening new highways, widening and straightening old roads and reopening the same, the highway commission, through its officers and agents, are authorized to enter upon any lands and locate and build such highways, and if the highway commission and owners of such lands can not agree as to the damage, if any, the said highway commission shall, within thirty days after said highways is completed, apply to the clerk of the superior court of said county for the appointment of three competent freeholders to assess the damages, the proceeding to be in accordance with section two thousand five hundred and seventy-six, to five thousand five hundred and ninety-six, inclusive, of The Revisal of North Carolina of one thousand nine hundred and five, so far as applicable to the purposes of this act. But it shall not be necessary to file any map or plat of the land to be condemned: *Provided, however,* if the highway commission shall fail to act the owner of said land shall be empowered to make the aforesaid application.

Entry on lands.

Procedure for assessment of damages.

Proviso: application by landowner.

SEC. 13. That said highway commission shall have entire control of the supervision of the working and repair of all public roads in the county, and it shall have power to appoint such officers in the various townships and road districts as they may deem best to work and keep in repair the roads in each township and district, to fix their compensation, to direct when and how such roads shall be worked, to provide for the employment and compensation of the necessary labor for that purpose, and in all respects to superintend, direct and control such work. All expenses and costs of such work shall be paid out of the road funds hereinbefore provided for.

Powers of highway commission.

Payment of expenses and costs.

SEC. 14. Said highway commission shall be entitled to receive two dollars per diem and five cents mileage for every day's service not

Pay of highway commission.

exceeding twelve in one year, spent in attendance upon the meeting of said highway commission.

Care of tools and appliances.

SEC. 15. That said highway superintendent provided for in this act shall have the care and charge of all tools and appliances, shall make an inventory of the same, and furnish inventory to the highway commission, and shall look after the safety of all such tools, machinery and appliances, and the said superintendent shall be responsible for the loss of same resulting from carelessness or neglect.

Inventories.

SEC. 16. That the board of commissioners of Pender County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff and county treasurer, and said board of county commissioners may institute, prosecute any necessary action for the recovery of any such road taxes, in case any officer fails to account for the same.

Audit and settlement of accounts.

SEC. 17. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway funds herein provided for shall be guilty of a misdemeanor and fined or imprisoned, at the discretion of the court, or both, and shall be removed from office; and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not less than twenty dollars nor more than one hundred dollars: *Provided, further*, the board of county commissioners may for good and sufficient cause remove any one or more of the said highway commissioners, and the vacancy or vacancies shall be filled as in this act for filling vacancies from other causes.

Making fraudulent orders misdemeanor.

Punishment.

Failure in duty a misdemeanor.

Punishment.

Proviso: power of removal.

Expense of meetings.

SEC. 18. That all expenses incurred by the highway commission on account of meetings held by reason of duties imposed by this act, shall be paid, upon their order, out of the funds provided for by this act.

Details of highways.

SEC. 19. That the highways of Pender County constructed or improved under this act shall be not less than thirty feet wide, and shall be properly constructed from sand and clay or such other material as the highway commission, under the advice of the road superintendent shall deem expedient: *Provided, however*, that the width of said road shall be left wherever any other width is necessary to the discretion of the highway superintendent.

Proviso: discretion of superintendent.

Supervision and control of roads.

SEC. 20. That in the event that this act shall be ratified and adopted by the people of Pender County at the election provided for herein, the entire supervision and control of the public roads in Pender County shall be under the jurisdiction of the highway commissioners and they shall exercise all privileges and discharge all the duties heretofore performed by the board of county commissioners with reference to laying out and establishing or discontinuing the public roads in said county. The said highway commissioners shall have power to elect in each township one or more supervisors who shall supervise the construction of highways in said township

Township supervisors.

and who shall also appoint sectional overseers to maintain the present public roads, said overseers to summon all hands, superintend all work as is now carried on by the road overseers. That all persons liable to road duty under the general road law shall work the roads under the direction of said overseers and be subject to the same rules and regulations as provided in the general law and liable to the same penalties for the failure to comply with same: *Provided, however,* that should any person subject to road duty so elect he may exempt himself from such duty by the payment to said overseer of fifty cents for each and every day he is summoned to work, said exemption money to be paid to the overseer in charge before the hour to work shall arrive, and failure to pay such exemption money shall be construed as a failure to work the roads, and shall be dealt with according to the general law governing the same.

Sectional overseers.

Road duty.

Proviso:  
commutation.

SEC. 21. The sinking fund committee provided for in this act shall be elected by joint meeting of the highway commission and board of county commissioners and shall hold office for five years. Said committee shall consist of some competent man able to care for and invest the funds of the county. Said committee shall give a bond to Pender County for at least fifty per cent more than any and all funds in his hands or likely to come into his hands during the term of said office, and said bonds is to be approved by the board of county commissioners and paid for from the funds herein provided for. The compensation of said sinking fund committee shall be fixed by the highway commission.

Election and term  
of sinking fund  
committee.Bond of  
committee.

Compensation.

SEC. 22. That upon the ratification of this act by the qualified voters of Pender County the board of commissioners of Pender County shall set apart sufficient funds from the road fund to complete the bridge across North East River at or near Castle Haynes, said money to be that part of the cost of said bridge obligated to be paid by Pender County, and the county commissioners shall not levy an additional tax in one thousand nine hundred and eleven, for that purpose.

Money set apart  
for bridge.

SEC. 23. This act shall be in force from and after its ratification by the qualified voters of Pender County.

When act  
effective.

Ratified this the 6th day of March, 1911.

## CHAPTER 631.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROCKINGHAM COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING, IMPROVING AND PERMANENTLY CONSTRUCTING THE PUBLIC ROADS OF SAID COUNTY WHEN SUCH ELECTION MAY BE DESIRED BY THE PEOPLE.

*The General Assembly of North Carolina do enact:*

Call of election authorized.

Amount to be voted on.

Order for election.

Proviso: petition.

Proviso: action on petition.

Proviso: validity of bonds.

Notice of election.

Proviso: resubmission of question.

SECTION 1. That the board of commissioners of Rockingham County be, and it is hereby authorized and empowered, to submit to the vote of the qualified electors of Rockingham County the question as to whether or not the county of Rockingham shall issue bonds in the sum of, or sums totalling, not exceeding five hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving and permanently constructing the public roads of said county. Said election shall be ordered by said board of commissioners upon its being satisfied that the people of the county so desire such election: *Provided*, such election shall not be called and ordered by said board of commissioners upon a petition of less than fifteen hundred qualified voters of said county: *Provided, further*, that when such petition asking for an election to be held under this act is presented to said board of commissioners same shall not be acted upon on the day such petition is presented to said board, but said petition shall be filed and remain with the clerk of said board of commissioners and be open to inspection by any person desiring to see same, and said board of commissioners shall forthwith publish for four weeks a notice in one or more newspapers published in Rockingham County, stating that such petition asking for an election to be held under this act has been filed with said board, stating the time and place such petition will be heard: *Provided, further*, that the validity of the bonds issued under this act shall not be affected by any failure to comply with the requirements of this act in ordering any election hereunder. That said board of county commissioners shall for at least thirty days preceding the election give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue said bonds at the election to be held, the board of county commissioners may resubmit the said question to the qualified voters of said county, at any other time or times, under the same provisions and regulations as hereinbefore enacted.

SEC. 2. That any election held under the provisions of this act not including the appointment of judges and registrars shall be held and conducted in the same manner as is now, or may hereafter, be prescribed by law for holding elections for members of the General Assembly: *Provided, however,* at least one of such election officers shall, when possible, be opposed to issuing bonds under this act. And registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for election of members of the General Assembly, and that said county commissioners may, upon being satisfied that it is necessary to ascertain who are the qualified voters of said county, order a new registration in any township or townships in said county for any election under this act, said registration to apply only to elections under the provisions of this act, and in no way to affect the present registration for county and State officers. Upon the conclusion of said election, the officers of said election shall return the registration and poll books to the board of county commissioners to be filed in the office of the register of deeds for Rockingham County. The vote shall be counted at the close of the polls and returned to the board of canvassers of Rockingham County, and result of said election shall be canvassed and declared as is now required by law in the election of members of the General Assembly of North Carolina.

Law governing election.

Proviso: election officers.

Registration and challenges.

New registration.

Return of registration and poll books.

Count and canvass of votes.

SEC. 3. That at the said election or elections the ballots entered and cast by the qualified voters shall have written or printed upon them "For Good Roads Bond Issue," or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote "For Good Roads Bond Issue," and all qualified electors opposed to the issuing of bonds shall vote "Against Good Roads Bond Issue."

Ballots.

SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote for "Good Roads Bond Issue," at said election, the result shall be recorded and declared as aforesaid, and the board of commissioners of Rockingham County shall elect twenty-two (22) electors, residents of said county, to be known as the "Highway Commissioners of Rockingham County"; two members thereof respectively shall be residents of each township. One member from each township shall belong to the dominant political party; the other member from said township shall belong to the party casting the next highest vote in the last election held for county officers prior to the time of his appointment; which said members from the respective townships shall be appointed by the board of county commissioners upon the recommendation of the county executive committees respectively of the two parties above referred to: *Provided, however,* that if any of said county executive committees above referred to shall fail or refuse to make recommendation to the board of county commissioners, then it shall be the duty of said board of county commissioners to make appointment, keeping within the

Election of highway commissioners.

Residence. Political affiliations.

Terms of office.	meaning and spirit of this section. At the first election of said highway commissioners by said commissioners of Rockingham County, six members of said commission shall be elected for two years; six members for four years; and ten members for six years:
Proviso: vacancies.	<i>Provided</i> , that the said board of county commissioners shall have power to fill all vacancies caused by death, resignation or otherwise, for any unexpired term; and that the appointee to fill in vacancies must belong to the same political party and the same township, as that of his predecessor: <i>Provided, further</i> , that as the term of office of the said highway commissioners shall expire, the board of commissioners of Rockingham County shall elect their successors to same for a period of six years.
Proviso: election of successors.	
Meetings.	The twenty-two members shall be limited to four meetings per year. That as soon as practicable, after the election of said members of the highway commission, they shall meet, and each take oath, before some officer authorized to administer oaths, to perform their respective duties of said office to the best of their skill and ability, and shall proceed to organize by electing one of their members chairman of said commission, and another of their members secretary, and another, or some suitable person, treasurer thereof, fixing the compensation of said treasurer, and shall pass such rules and regulations for their government as they shall deem best.
Meeting for qualification and organization.	
Organization.	At the first meeting, and after the organization of the highway commission, they shall elect a working committee, composed of the chairman and secretary of said highway commission, together with three other members of the commission, and this committee of five (5) shall have immediate charge of and shall carry on the work under this act, being at all times under and subject to the direction and supervision of the highway commission.
Compensation of treasurer.	
Working committee.	
Selection of highways.	SEC. 5. The highways to be made, opened, built or improved by the highway commission, under the provision of this act, shall from time to time be determined upon and designated by the highway commission, and in determining upon said highways the said commission shall take into consideration the needs of the entire county and every part thereof, with special regard to a complete system of roads which in their opinion will be of benefit to the greater possible number of people of the county, and treating every section of the county with equal favor and justice.
Considerations governing selection.	
Geographical division of fund.	A line shall be drawn by the highway commission across Rockingham County east to west, and another line shall be drawn across the county north to south, both lines passing through the center of the county, and not less than forty per cent (40%) of the said five hundred thousand dollars (\$500,000) or forty per cent (40%) of whatever amount may be voted on and expended, shall be expended by the said highway commission on each side of both lines east to west and north to south.

The roads determined upon and selected by the highway commission to be built shall continue from point to point, and shall connect each section with the other, so that no road shall be built in sections without said sections connecting, at all times disregarding the corporation lines of any and all towns, building said roads without break, cessation or interruption through towns with the same permanency and durability as roads constructed through the unincorporated sections of the county: *Provided, however,* that construction and treatment of such roads within corporate limits shall be subject to approval of and agreement with the constituted authorities of such corporation or municipalities.

Connections.

Proviso: roads in corporate limits.

SEC. 6. In the event that a requisite majority of the qualified electors of said county shall vote "For Good Roads Bonds Issue," at said election, the result shall be declared and recorded as aforesaid, and the board of county commissioners of Rockingham County shall have prepared bonds in the denomination of one thousand dollars (\$1,000), five hundred dollars (\$500), or one hundred dollars (\$100), or mixed, the total amount thereof not to exceed that provided for in the first section of this act; and the said bonds shall bear a rate of interest to be determined upon before the issue thereof by the said board of county commissioners not exceeding, however, five per cent (5%) per annum, with interest coupons attached; payable semi-annually during the time said bonds shall run, and the principal thereof shall be payable, three-tenths in value of said bonds, in thirty years; four-tenths in value of said bonds in forty years, and three-tenths in value of said bonds in fifty years, from date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of Rockingham County at Wentworth, or at such place as shall in the discretion of the board of county commissioners be indicated in the face of said bonds and coupons; and both bonds and coupons shall be numbered consecutively, beginning with the number one; and both bonds and coupons shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the common seal of said county. The said bonds shall be styled "Rockingham County Highway Improvement Bonds."

Bond issue.

Denominations.

Amount.

Interest.

Maturity.

Authentication.

Style of bonds.

SEC. 7. Immediately upon preparation and signing of said bonds the said board of county commissioners of Rockingham County shall turn over to the chairman of the highway commission of said county, without the county seal having been affixed, the said highway commission shall have the power to advertise and sell any or all of said bonds at such time or times as they shall deem best for the purpose of raising a fund with which to repair, lay out, improve or permanently construct the public highways and bridges of said county as aforesaid. The expenses of said advertising and selling or any other necessary expenses in connection therewith, shall be

Bonds delivered to highway commission.

Advertisement and sale.

Expense.

paid out of the taxes levied for road purposes for the previous year by the board of county commissioners, and collected by the sheriff of said county: *Provided*, that before delivering any of said bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the custodian of the seal of Rockingham County, whose duty it shall be to affix and attest said county seal to the bonds so sold, and no bond shall be of any value until said seal is so affixed and attested.

Proviso: bonds sealed when sold.

Bonds not sold below par.

Proviso: responsibility of purchaser.

SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said highway commission by sale, exchange or otherwise for less than their face value; nor shall said bonds or proceeds be used for any other purpose or purposes than those declared by this act: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said fund.

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 where payable, and said bonds shall show by what authority they are issued.

Record.

The said highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold the number of bonds and their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute book and all other books kept by the highway commission shall at all times be open to the inspection of any taxpayer of Rockingham County.

Proviso: books open for inspection.

Proceeds paid to treasurer.

SEC. 9. When any of said bonds are sold, the proceeds of the sale shall be turned over to the treasurer of the highway commission. He shall keep said fund and all other funds which may come into his hands separate from all other funds and he shall keep separate accounts of same. And said treasurer shall annually before any fund provided for in this act be paid over to him, execute an official bond payable to the county of Rockingham, in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year, by reason of this act, conditioned for his faithful and safekeeping of the same and the rendering of a true and accurate account in respect thereto, and in all things holding and disbursing and accounting for same as required by law; which bond shall be passed upon, accepted and received by said highway commission. All orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders, and to what account they are chargeable and shall be signed by the chairman and secretary of said highway commission.

Separate funds and accounts.

Bond of treasurer.

Highway orders.

Road tax.

SEC. 10. If said election shall be in favor of issuing bonds as aforesaid, the board of commissioners of Rockingham County shall levy annually on the first Monday in June of each year a separate

road tax for said county of not exceeding thirty cents on the one hundred dollars property value, nor exceeding ninety cents on each poll, the subjects of taxation and levying of taxes to be the same as those on which the said board of county commissioners are now, or may hereafter be, authorized to levy taxes for general county purposes, and the same shall be a separate fund, applied, first, to the payment of interest on the said bonds; second, to the creation of a sinking fund for the redemption of said bonds; third, to the opening, improving, constructing, repairing and (or) upkeep of said roads under the provisions of this act. All funds arising from and under the last mentioned or third appropriation of foregoing tax levy as well as all other funds derived from road tax levies, general or special, in Rockingham County, and not in this act otherwise specifically appropriated, shall be paid into the hands of the treasurer of the board of highway commissioners, and disbursed under and upon the orders of said board. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The said board of county commissioners shall manage and invest the said fund in their discretion until paid out for the payment and redemption of said bonds: *Provided, however,* that said board of county commissioners may in their discretion, from time to time, use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

Limit of rate.

Application.

Road fund to treasurer.

Sinking fund.

Management and investment.

Proviso: purchase of bonds.

SEC. 11. That the highway commission shall use the funds derived from sale of said bonds for the purpose of constructing and improving the public highways in the said county as indicated in section five, with the utmost expedition consistent with due regard to economy and excellence of construction, and said road improvement and permanent construction shall preferably be done by contract, in so far as it involves extraordinary repairs or construction. But it shall be lawful for the highway commission through the working committee to direct and cause said improvement, repairs and construction to be done on behalf of the highway commission acting for Rockingham County under the supervision of the roadway superintendent hereinafter provided for, and under such rules and regulations as it shall promulgate, and to this end, and for the further purpose of relieving the board of county commissioners of said duties and placing the ordinary and usual repairs and upkeep of the public highways of Rockingham County permanently under the control, care and direction of the said board of highway commissioners of Rockingham County, upon the request of the chairman of the said highway commission, the said county commissioners shall turn over to the highway commission any and all machinery, implements, live stock, convict road force, and other road working utilities, now

Use of funds.

Work done preferably by contract.

Alternative method.

Machinery, live stock and convict force.

or hereafter owned or held by the said Rockingham County, and under the control and direction of the said board of county commissioners, and it shall be lawful for the said board of highway commissioners to retain and use any or all of such utilities in county roadway repairs, upkeep or construction, or in its discretion it may make other such lawful disposition of any part or all thereof, as in its best judgment may seem for the best interests of the county: *Provided*, that said convicts and live stock, while in the custody and control of said highway commission, shall be employed in the construction, repairs and (or) upkeep of highways under the provisions of this act, and the expenses of maintaining and guarding said convicts and the proper and humane care and keep of said live stock shall be paid out of the funds derived under or from the provisions of this act.

Proviso:  
employment and  
maintenance of  
convicts and live  
stock.

Effect of  
approval of act by  
voters.

SEC. 12. That it is the purpose and intent of this act that if the questions proposed herein to be submitted to a vote of the electors of Rockingham County shall carry by an affirmative majority of the qualified electors of said county, it shall be so recorded and declared as hereinbefore provided for, such recordation and declaration shall automatically abolish and rescind all laws of the State of North Carolina, in so far as they relate to roadways in Rockingham County, and no further, inconsistent with the provisions of this act; otherwise all of said laws of North Carolina relating to roads in Rockingham County shall remain in full force and effect; and if so abolished the entire discretion, supervision of and responsibility for the care, repair and upkeep and construction of roadways in Rockingham County shall pass from the board of county commissioners to the board of highway commissioners, except as otherwise provided for in this act. And the duties thus devolving shall be discharged under such rules and regulations within the provisions of this act as may from time to time be adopted by said board of highway commissioners of Rockingham County. That the highways in said county of Rockingham, constructed or improved under this act, shall not be less than twenty nor more than forty feet wide, unless under extraordinary conditions the board of highway commissioners shall in their best judgment decide otherwise, and the whole length of said roads shall be as straight as expediently practicable and reasonably graded.

Details of high-  
ways.

Election and com-  
pensation of  
highway superin-  
tendent.

Superintendent to  
qualify and give  
bond.

SEC. 13. That as soon as the highway commission shall deem it necessary they shall elect by ballot a highway superintendent for said county of Rockingham and fix his compensation; the result of said election shall be declared and the result shall be recorded in the minutes of the proceedings of said highway commission. Said person so elected shall, before entering upon his duties, take and subscribe to an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of not less than twenty-five hundred dollars (\$2,500), or for such

an increased amount as the said board shall deem proper and expedient, conditioned upon the faithful performance of his duties, and a true accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said highway commission and filed with the secretary of said board. The premiums on the official bonds given by the treasurer of the highway commission for the proper discharge of his duties and the bond given by the highway superintendent, shall both be paid by said commission as a part of the expenses of said road building. Said highway superintendent shall hold his office for two years and until his successor be elected and qualified, except and provided that said highway commission may, for any good cause or whenever in their judgment the public interest entrusted to their care may be served thereby, remove said highway superintendent from his office and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work, when and where directed by said highway commission or said "working committee," selected by said highway commission, and shall have such authority and perform such duties as may be from time to time determined by said highway commission and said "working committee."

Cost of official bonds.

Term of office.

Duties and authority.

SEC. 14. That said highway commission shall require the treasurer of said commission to account to them semi-annually for said highway fund, and may require as often as deemed best reports from the officers and employees concerning their progress in their duties and to what extent and in what manner they have performed the same: *Provided*, the board of county commissioners shall at least annually audit, either through a committee of its own members or a competent expert, the books, accounts, documents and other matters pertaining to the office of the treasurer of the board of highway commissioners, submitting a report of said audit to the board of highway commissioners, as well as a copy thereof to the board of county commissioners and the board of county commissioners shall cause the publication of said report as part of the annual county exhibit required by law to be published.

Semi-annual accounts.

Reports.

Proviso: annual audit and settlements.

Publication.

SEC. 15. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission, through its agents, are hereby authorized to enter upon any land and locate and build such highways, and if the highway commission, and the owner or owners, of said land can not agree as to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned five freeholders, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided, further*, that before entering upon lands as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highways are to be located upon such land under the authority of this act.

Entry on land.

Procedure for assessment of damages.

Proviso: notice to landowners.

Employment of  
physicians.

SEC. 16. That said highway commission shall have the authority to employ a physician at any time to assist the county physician in attending the convicts working the public highways, and shall also have power to provide for the care and keeping of said convicts, and to provide all things necessary to carry into effect the provision of this act.

Care and keeping  
of convicts.

Pay of highway  
commissioners.

SEC. 17. That said highway commission shall be entitled to the same per diem and mileage as the board of commissioners of Rockingham County, and the said board of county commissioners shall convene in four stated or fixed meetings annually, and they shall receive pay for only four meetings annually; the dates whereof shall be determined and recorded in the minutes of its organization meeting, and the duration of the sessions of said meetings shall be according to its discretion and the necessary requirements of the public business entrusted to the said board by the provisions of this act: *Provided*, that special sessions or meetings of the "working committee" of the said highway commission may be convened at any time by the secretary of said commission, by order of the chairman or upon request in writing by three members of said committee; and it shall be the duty of the secretary to mail to the usual address of each member of the "working committee," a card notice thereof, in advance of all meetings whether stated or special.

Stated meetings.

Proviso: special  
meetings.

Audit and settle-  
ments.

SEC. 18. The board of commissioners of Rockingham County shall audit the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between the said sheriff and county treasurer, and said board of county commissioners, and may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fails to account for same.

Making fraudu-  
lent order mis-  
demeanor.

SEC. 19. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor, and be fined or imprisoned at the discretion of the court, or both, and shall be removed from office and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars. Neither the treasurer, sheriff, or any tax collecting officer in Rockingham County, or other person whatsoever, shall be allowed any commission whatsoever on any amount received or disbursed by said officer, if said amount has been derived from the sale of the said five hundred thousand dollars issue of bonds for road improvement: *Provided, further*, that the board of county commissioners may for good and sufficient cause remove any one or more of the highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other

Punishment.

Failure of duty  
a misdemeanor.

Punishment.

No allowance to  
officers.

Proviso: power of  
removal.

causes, observing at all times the political equation in filling said vacancies.

SEC. 20. That all expenses incurred by the highway commission on account of meetings held by reason of duties imposed by this act shall be paid upon their order out of the funds provided for by this act. Expense of meetings.

SEC. 21. That it shall be the duty of the board of highway commissioners, as it is the intent of this act, to expedite the construction of the highways of Rockingham County, that may be determined upon by said commission as provided by this act, with the utmost expedition consistent with due regard to economy, and the said commission is hereby expressly empowered and directed to carefully and thoroughly inform itself by diligent investigation and consultation with approved authorities upon road building for the purpose of determining the exact character of roads that will best meet the needs and conditions and uses respectively of each and every road in Rockingham County before proceeding to construct same. And the expenses which shall be incurred in securing this information shall be defrayed out of the funds derived from the sale of aforesaid bond issue as a part of the cost of said road construction: and it is *Further provided*, that the board of highway commissioners of Rockingham County shall have authority to employ the services of consulting engineers from time to time, periodically or otherwise, as the circumstances shall in their judgment seem to warrant. Expedition of work.  
Examination of systems.  
Expense.  
Consulting engineers.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

#### CHAPTER 632.

#### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO ISSUE BONDS TO IMPROVE THE HIGHWAYS OF FORSYTH COUNTY AND TO CREATE A HIGHWAY COMMISSION THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of building, grading, macadamizing and otherwise improving the roads of Forsyth County, the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds of the said county to an amount not exceeding five hundred thousand dollars (\$500,000) in denominations not exceeding one thousand dollars (\$1,000), bearing interest from date thereof at not exceeding the rate of five per centum per annum, with the interest coupons attached, payable semi- Bond issue authorized.  
Amount.  
Denominations.  
Interest.

annually, at such time and place as may be directed by said board of county commissioners, such bonds to be of such form and tenor and to be transferable in such way and the principal thereof payable forty years from the date thereof, and at such place or places as the said board of county commissioners may determine; and the said board of county commissioners may divide the said issue into six series: *Provided*, 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.

Maturity.

Issue in series.

Proviso: bonds not sold below par.

Authentication.

SEC. 2. Such bonds shall be numbered and shall be signed by the chairman of said board of commissioners and attested by the treasurer of said county, and shall bear the corporate seal of said county, and the coupons attached to these bonds shall bear the number of the bond, as well as the number of the coupon, and shall be executed by the signing of the treasurer of said county or by his lithographic signature.

Record.

SEC. 3. A record shall be kept by the said board of commissioners in a separate book for that purpose, of all bonds sold, and to whom, amount and date of sale, and the issuing of each bond and its number.

Special tax.

SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and support a chain-gang and convict force and employ such labor as may be necessary, and establish, alter, repair and maintain the public roads and highways of Forsyth County in good condition, the board of commissioners of the county of Forsyth or other authorities vested with the power of levying taxes for said county shall annually compute and levy, at the time of levying other county taxes, a sufficient tax on all polls, all real estate and personal property and all other subjects of taxation which said commissioners or other authorities now or hereafter may be allowed to levy taxes upon for any purpose whatever, always observing the constitutional equation between the taxes on property and the taxes on polls: *Provided*, there shall not at any time be levied in the county of Forsyth for the purpose of road improvement, and including all expenditures made necessary by this act or any act or statute now existing, a tax of not less than ten, and not greater than thirty-three and one-third cents on the hundred dollars valuation of property, and not less than thirty cents nor greater than one dollar on the poll: *Provided, further*, that no sinking fund shall be created by such levy within less time than ten years from the date of issuing of said bonds, but the highway commission hereinafter created may use for the purpose of this act such sums of money remaining after the interest on said bonds shall have been paid.

Constitutional equation.

Proviso: limit of tax rate.

Proviso: sinking fund.

Taxes paid over to highway commission.

SEC. 5. That said taxes, when collected, except a sufficient amount to provide a sinking fund and pay interest on the bonds, shall be paid over by the board of county commissioners to the highway commission hereinafter provided for.

SEC. 6. That it shall be the duty of the board of commissioners of Forsyth County, after ten years from date of the issue of any of said bonds, to annually invest any and all moneys received from the special tax for sinking fund in the purchase of any of said bonds, or other bonds, at a price deemed advantageous to said county by the said board of commissioners and to be agreed upon by them and the owners thereof; but in case said county bonds can not be purchased at a satisfactory price, then the said commissioners are authorized and directed to invest said sinking fund, upon security approved by them and upon terms advantageous to said county, and any money of the said sinking fund invested shall bear the best rate of interest obtainable.

Purchase of bonds.

Investment of sinking fund.

SEC. 7. That the money received from the sale of said bonds and derived from the special tax herein authorized to be levied, except a sufficient amount to pay the interest on said bonds, and the sum set apart for the sinking fund to pay the principal of said bonds, and such other sums of money as may be at the disposal of the highway commission hereinafter created, shall be used by them to purchase road working machinery, to buy stock, repair, survey, lay out, grade, macadamize, improve and maintain the public roads of said county and in guarding and maintaining such convict force as may from time to time be assigned to work on said roads. The highway commission shall have authority to use such material in road construction or improvement as they deem best.

Use of road funds.

Material.

SEC. 8. That the bonds herein provided for shall be deposited in some safe deposit company or bank, to be designated by said board of commissioners, and drawn out on the joint order of the chairman of the said board of commissioners and the chairman of the highway commission of said county hereinafter provided for, the proceeds of which shall be applied to the purposes as herein provided for.

Deposit of bonds.

SEC. 9. For the purpose of ascertaining the wishes of the voters of Forsyth County upon the question of issuing said bonds and improving the roads of said county, as provided for in this act, an election shall be held at all the voting precincts in said county of Forsyth, at a time to be designated by the board of county commissioners of Forsyth County. At said election all voters of said county qualified to vote at said election may vote a printed or written ticket. Those who favor the purpose of this act shall vote a ticket with the words, "For Road Improvements" written or printed thereon, and those who oppose the purpose of this act shall vote a ticket with the words, "Against Road Improvements" written or printed thereon; and if the majority of the voters of Forsyth County qualified to vote at said election shall vote "For Road Improvements," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be held in the manner provided by law for the elec-

Election to be held.

Tickets.

Effect of election.

Law governing election.

tion of members for General Assembly, except as is otherwise and differently provided in this act. There shall be appointed one registrar and two judges of election for each precinct, and the registration and election shall be held in all respects like the election for members of the General Assembly, except as otherwise or differently provided in this act. No new registration shall be required except as to those voters who have become qualified to vote since last election. At the close of the election in each precinct the vote shall be counted and returned, over the signatures of the registrar and judges of the election, or a majority of them, to the board of commissioners of the county of Forsyth. Abstracts or blanks for this purpose shall be prepared by said board of commissioners and furnished to each precinct, and the registrar or one judge of the election shall be chosen as a messenger to transmit said returns to said board of commissioners. Said returns shall be executed in triplicate. One copy shall be transmitted as aforesaid, to the board of commissioners of Forsyth County and one copy to the clerk of the superior court of said county and one copy retained by the said registrar of each precinct. On the second day after the election the board of commissioners for the county of Forsyth shall meet as a canvassing board and shall receive the returns of said election, and shall canvass and judicially pass upon the same and declare the result of said election. If a majority of the voters of Forsyth County, qualified to vote at said election, shall have voted "For Road Improvements," then the bonds provided for in this act shall be issued and sold. At any election held under this act any person who shall not be entitled to registration while the said registration books were open for registration, but shall have become entitled to registration while the said registration books were closed and before or on the day of election, shall be entitled to register on the day of election and vote.

**Election officers.**

**Registration and election.**

**Count and return of vote.**

**Blanks.**

**Returns in triplicate.**

**Canvass of returns.**

**Effect of election.**

**Registration on election day.**

**Registration.**

**Certificate of registration**

**Return of registration books.**

**Poll books.**

**Pay of election officers.**

SEC. 10. On each Saturday during the period of registration the registrar shall attend with his registration book at the polling place of his precinct for the registration of voters. It shall be the duty of the registrar and judges of election to certify on the returns made by them of the votes cast at their respective precincts in said county the number of voters registered at their precinct on said election; and the registrar shall, on or before the day set before the canvass of the votes by the board of county commissioners, return his registration book to the clerk of the board of county commissioners. The registrar and judges of election shall keep two poll books containing the names of persons voting at their precinct at said election. The registrars shall receive for their services hereunder three cents for each name registered and one dollar (\$1) a day for each Saturday; and the registrar and judges of election shall each receive one dollar and fifty cents (\$1.50) for

their services rendered on the day of election and for making the return required by this act; the cost of this election to be paid by the board of county commissioners.

SEC. 11. If a majority of the voters of Forsyth County qualified to vote at said election shall vote "For Road Improvements" then there shall be established and constituted a highway commission composed of five men, citizens and taxpayers of Forsyth County. The board of commissioners of Forsyth County shall, at the time of calling the election, nominate five men who, if the election shall be carried "For Road Improvements," shall compose and be known and designated as "The Highway Commission of Forsyth County." Two of said men shall be nominated for a term of six years, two for a term of four years and one for a term of two years, all of which shall be stated in the order of election. If the election shall be stated in the order of election. If the election shall be carried "For Road Improvements" the board of commissioners of Forsyth County shall appoint the said five men to hold their office as members of the said highway commission for the terms as stated in the said order of election, their terms of office to begin on the date of qualification; and at the expiration of their respective terms their successors shall be elected by the board of commissioners of Forsyth County for a term of two years. The said highway commissioners shall each receive for their salary and services the sum of five dollars per day for each day employed with duties pertaining to this office, but no commissioners shall receive pay for more than ten days in any one month. They shall be allowed all necessary expenses for postage, stationery, attorney's fees, and all such additional expenses as may be incurred by them in the discharge of their duties. The said highway commissioners shall meet and qualify on the next first Monday after the election and the said commissioners, at their first meeting, shall elect one of their number to be chairman and another to be secretary of said commission, and the chairman and secretary shall certify to the board of county commissioners the name of the chairman of said highway commission and the name of said secretary of said highway commission so elected.

SEC. 12. The highway commission of Forsyth County herein created shall have entire control and management of the public roads of the county of Forsyth in all respects as the same is conferred on the county commissioners by an act of the General Assembly of one thousand nine hundred and eleven hereinafter referred to, and all powers conferred and duties imposed by said act upon the county commissioners of the county of Forsyth relating to the control and management of the roads, are hereby vested in and devolved on the highway commission aforesaid, to go into effect immediately upon the beginning of the term of office of the said highway commission. Before entering upon the discharge of

Highway commission.

Election of commissioners.

Terms of office.

Election and term of successors.

Pay of commissioners.

Expenses.

Commissioners to meet and qualify.

Organization.

Powers and duties of highway commission.

Commissioners to qualify and give bond.

their duties the said highway commissioners shall take and subscribe an oath for the faithful performance of their duties and file a bond, with sureties approved by the board of commissioners payable to the board of commissioners of Forsyth County, in the sum of ten thousand dollars, for the faithful discharge of their duties prescribed by this act. Upon the taking of said oath and the filing and approval of the bonds, the board of county commissioners shall turn over to the said highway commission all the road machinery and implements now belonging to said county, taking receipt therefor, and such convict force as may be held by said county shall be subject to the order of said highway commission, who shall pay all costs of maintaining and guarding said convict force out of the moneys provided in this act.

Road machinery and improvements.

Convict force.

Entry on land for material.

SEC. 13. For the purpose of constructing, improving or repairing public roads, the superintendent of road work, or other person engaged in or connected with the road work, after first consulting the owner or his agent, shall have authority to enter upon any uncultivated land near to or adjoining the roads, or any improved or cultivated land when unencumbered by cultivated crops, to cut or carry away any timber except trees left for ornament or shade, to dig or cause to be dug and carried away any stones, gravel, earth or sand, which may be necessary to construct, improve or repair said road; and to enter upon any land adjoining or lying near the road, to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing such drains or ditches, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars for each day the obstruction remains. Any landowner considering himself damaged by reason of acts authorized in this section may, within sixty days from the commission of the act complained of, present his claim to the highway commission, who shall pass thereon within thirty days, and the owner may within ten days from notice of the decision, appeal to the superior court. If the owner shall not recover a greater amount than that offered in the decision of the highway commission, he shall be taxed all costs of the appeal.

Drains or ditches.

Obstructing drains or ditches misdemeanor.

Punishment.

Claims for damages.

Appeal to court.

Powers in locating or changing roads.

SEC. 14. The highway commission shall have power, on petition or on their own motion, to relocate, construct, widen or otherwise change public roads or parts thereof, and to lay out and construct new roads when in their judgment the same will be advantageous to public travel, and for such purposes are authorized, through their agents, to enter upon lands to make the necessary surveys. Before doing any work of construction, apart from the surveys, the highway commission shall give to the owner of land over which the proposed new road or change of road may run, at least five days notice in writing of a time and place when and where the highway commission will consider the question of condemning the necessary

Entry on land for surveys.

Notice to landowners.

land. If the landowner be a minor or insane, such notice shall be given to him and his guardian, or, if there be no guardian, to the person with whom he is living. If the landowner be a nonresident or can not be found within the county, such notice shall be mailed to his last known address and published in a newspaper of Forsyth County at least seven days before the hearing. If the highway commission shall find the proposed improvement advantageous to public travel and shall decide to condemn the land necessary for the road they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation the findings and order of the highway commission shall not be subject to review. No strip of land wider than forty feet, with such additional widths as may be necessary for cuts and fills, shall be acquired by condemnation. Upon making the order of condemnation the highway commission shall have authority, through their agents, to immediately take possession of the land described in the order and construct the road. If the landowner, after the road has been relocated or otherwise changed, or after the new road has been opened, shall consider himself damaged, and shall be unable to agree with the highway commission as to the amount of damages, he shall within ninety days after opening, relocating or otherwise changing the road, apply to the clerk of the superior court for an assessment of damages. Five days notice of such application shall be given to the highway commission. The clerk shall appoint and cause to be summoned a jury of three disinterested freeholders to assess the damages, and shall, at the time of appointing the jury, fix the time and place for their meeting. If for any cause the jurors shall fail to so meet, they shall meet at such other time and place as may be fixed by them, after giving forty-eight hours notice thereof to the highway commission and to the landowner or his attorney. The jurors being duly sworn shall, in considering the question of damages, take into consideration the benefits to the landowner and shall render a verdict for such amount, if any, as the damages may exceed the benefits, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly, and shall tax the landowner with the costs of the assessment if the damages assessed shall not exceed the amount offered by the highway commission. Either the highway commission or the landowner may appeal to the superior court within ten days from the filing of the report. If the landowner appeals the clerk shall require him to give bond or make a deposit in a sum not exceeding one hundred dollars to secure such cost as may be recovered against him on appeal, and if the amount of damages recovered by him in the superior court shall not exceed the assessment appealed from he shall be taxed with all costs on the appeal. If the landowner make affidavit of inability by reason of poverty to give the required bond or deposit, he shall be allowed to appeal without bond. The

Order for condemnation of land.

Limit of land condemned.

Possession of land.

Procedure for assessment of damages.

Right of appeal.

Bond on appeal.

- Proceedings on appeal.      bond or deposit may be increased by the judge of the superior court. The appellate court shall in no wise adjudicate the necessity of the relocation, widening or other change or of the opening of the road, but shall try under the rules of procedure of the superior court only the question of damages and benefits: *Provided*, that if the highway commission shall desire to have the damages assessed before proceeding to the work of construction, and shall fail to agree with the landowner as to the damages, they shall within sixty days after the order of condemnation make application to the clerk accordingly, first, however, serving upon the landowner, in the manner as hereinbefore provided for condemnation, notice of such application. Upon hearing the application the clerk shall appoint and cause to be summoned three disinterested jurors who shall proceed and make report as hereinbefore directed, except that they shall separately state therein the damages, if any, caused by the survey or surveys, and the rights of appeal and proceedings on appeal shall be as hereinbefore set forth: *Provided*, that within ten days after the filing of the report or before final judgment in the superior court, if an appeal shall have been taken, the highway commission shall have the election to abandon the proposed road improvement or construction, and in such case the clerk, or the judge of the superior court, if an appeal shall have been taken, shall render judgment, so declaring, setting aside the order of condemnation, awarding to the landowner the damages actually sustained and taxing the highway commission with all costs.
- Proviso: assessment prior to work.      **SEC. 15.** Any person who shall obstruct the engineer, road superintendent or other agent, subordinate or employee in making a survey or engaging in any road work under authority of the highway commission, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.
- Proviso: election of abandonment.      **SEC. 16.** That the board of commissioners of Forsyth County shall, upon demand made upon it by the chairman and secretary of the highway commission, offer for sale such number of said bonds as may be determined by said highway commission, and the proceeds of the sale of said bonds shall be delivered to the treasurer of Forsyth County and shall be disbursed by him upon orders duly signed by the chairman of the said highway commission and countersigned by the secretary thereof. The said treasurer is hereby directed and required to keep a separate book of the moneys received by him from proceeds received from the sale of said bonds, and the disbursements and the date thereof made by him of the same; and the bond of the said treasurer shall be liable for the faithful accounting of the moneys received by him under this act. The treasurer shall receive such compensation for receiving and disbursing funds under this act as may be fixed by the highway commission not to exceed three hundred dollars.
- Obstructing survey or work a misdemeanor.      Punishment.
- Sale of bonds.
- Proceeds delivered to treasurer.
- Order for disbursements.
- Separate accounts.
- Treasurer liable on bond.
- Compensation of treasurer.

SEC. 17. If any member of the highway commission die, resign, or <sup>Vacancies.</sup> become incapable of discharging his duties, or a vacancy be caused otherwise, the board of county commissioners shall elect his successor to fill out the unexpired term: *Provided*, that not more than three of said members of the highway commission shall be of the same political party.

SEC. 18. The treasurer of Forsyth County shall quarterly publish <sup>Quarterly publication of accounts.</sup> in some newspaper published in Forsyth County an itemized statement of receipts and disbursements made by him of moneys received under the provisions of this act.

SEC. 19. That said highway commission herein created shall have <sup>Corporate powers.</sup> the power to sue and be sued in the courts of this State for the enforcement of or for the violation of any contract made by it under the provisions of this act.

SEC. 20. The highway commission shall have power to receive, <sup>Convicts from State prison or other counties.</sup> care for, guard and maintain and work convicts from the State prison and from counties other than Forsyth County, under such rules and regulations as may be agreed upon by them. It shall <sup>Quarters.</sup> be the duty of the highway commission to erect suitable tents or stockades for the safe keeping and protection of said convicts, when so hired, and they are authorized to pay the expenses of said convicts and their transportation from and to the State prison and <sup>Other expenses.</sup> the expense of receiving them from other counties.

SEC. 21. In the event that a majority of the qualified voters <sup>Further elections.</sup> qualified to vote at said election herein provided for shall fail to vote "For Road Improvements," then the board of commissioners may order another election or elections to be held as herein provided for the first election, at such time or times as they may designate: *Provided*, that an election shall not be held oftener than <sup>Proviso: limitation.</sup> once in twelve months, and if at said election a majority shall be in favor of road improvement as herein set forth, then the provisions of this act relative to bond issue and establishment of a highway commission and all other provisions herein expressed shall be in full force and effect.

SEC. 22. In the event a majority of the qualified voters at said election vote "For Road Improvement" the highway commission is hereby authorized and directed to pay out of the money derived from the sale of said bonds the outstanding road indebtedness of <sup>Outstanding road debt.</sup> Forsyth County.

SEC. 23. That in the event said election is carried, the highway commission shall have all the powers, duties and authorities vested in the board of county commissioners of Forsyth County as provided in an act passed at the session of the General Assembly of one thousand nine hundred and eleven entitled "An act to provide for the construction and keeping in repair the public roads of Forsyth County," ratified on the twenty-seventh day of February, one thousand nine hundred and eleven, and wherever in said act the <sup>Powers and duties of highway commission.</sup>

Definition terms.

words "The board of county commissioners of the county of Forsyth" or "Board of commissioners" or "board" or similar phrases are found, the same shall mean the highway commission of Forsyth County, except where said phrases are used with reference to the levy and collection of taxes, and all the duties and powers conferred upon the county commissioners in said act shall, provided the bond election provided for in this bill shall carry, devolve and vest upon the highway commission of Forsyth County, except the powers and duties of levying and collecting taxes, and as to the levy and collection of taxes and the purposes thereof, section four of this act shall supersede section two of said act ratified on the twenty-seventh day of February, one thousand nine hundred and eleven, and the said act shall be deemed to be amended accordingly, and as thus amended shall go into effect immediately upon the qualification in office of the said highway commission, instead of the first Monday in December, one thousand nine hundred and twelve. And in the event that said election is carried for road improvements the powers and duties of the present township supervisors of Forsyth County, as members of the road commission of Forsyth County, under chapter twenty, laws of one thousand nine hundred and seven, shall cease, and until the first Monday in December, one thousand nine hundred and twelve, they shall hold office only as township supervisors with such powers and duties only as are prescribed for township supervisors in said act ratified on the twenty-seventh day of February, one thousand nine hundred and eleven.

Effect on existing laws.

When prior act effective.

Present road commission.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

### CHAPTER 633.

#### AN ACT TO REGULATE PRIMARY ELECTIONS IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

Method for nomination prescribed.

SECTION 1. That every political party, organization or association in Beaufort County, and the cities and towns therein, whose legislative candidates at the preceding election received as much as one-third of the total vote cast in the county shall nominate its candidates for the General Assembly, county, township, and city officers by a primary election held as hereinafter provided, and shall also take in the same manner the strength of the candidates for nomination for district and State officers at the same or separate primary as the board of elections of the county shall determine. The primaries for all political parties being held on the same day.

Primaries on same day.

SEC. 2. The time of holding such primary election shall be fixed Time for primary. by the board of elections of the county, and the chairman of the executive committee of both or all political parties who shall be called together for such purpose by the chairman of the board of elections, who shall preside at such meeting, of which there shall not be less than fifteen days notice.

SEC. 3. It shall thereupon be the duty of said board of elections Managers. to appoint two managers of said primary for each election precinct in said county for each party, the manager of each party primary to be of that party, each party to sit and act separate and apart from each other, to hold said election, who, before entering upon the duties of their office, shall each take and subscribe an Managers to qualify. oath that he will faithfully, impartially, and honestly conduct the same according to law. Should one or more of the managers ap- Vacancies. pointed to hold such election fail to appear on the day of election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take said oath before a notary public, justice of the peace, or other officer authorized to administer oaths; but if no such officer can be conveniently found, the managers may administer the oath to each other.

SEC. 4. The said board shall provide at each election precinct Ballot boxes. sufficient ballot boxes for candidates. Before any ballots are re- Examination of boxes and conduct of election. ceived at such election, and immediately before opening the polls, the managers shall open each ballot box to be used in such election and exhibit the same publicly, to show that there are no ballots in such box. They shall then close, lock or seal such boxes, except the opening to receive the ballots, and shall not again open the same until the close of the election. They shall keep a poll list, with the name of each voter voting in said election, and shall, before receiving the ballots of any voter, require the said voter to state that he is a *bona fide* member of the political party holding said primary, duly qualified to vote therein, and has not voted before in said election, and to pledge that he will in good faith support and vote for the candidates nominated in said primary at the ensuing election, unless prevented by sickness or other unavoidable cause from attending the same.

SEC. 5. At the close of the election the managers shall proceed Count and return of votes. publicly to count the votes and declare the result of their respective primaries. They shall certify the result of such election and transmit such certificate, with the poll lists and all other papers relating to such election on the second day after the election, to the clerk of the superior court, who shall on the second day after said Canvass and declaration of result. return, open and canvass said returns and declare the result thereof.

SEC. 6. The county or township or municipal candidate who receives a plurality of the votes cast for the office for which he ran, shall be the nominee of said party for such office: *Provided*, that Plurality tonominate.

Proviso: demand for second primary.

whenever no county, township or municipal candidate shall receive a majority of the votes cast for any office, then the one who receives the highest vote for said office shall be the nominee, unless the one who received the next highest vote shall demand, in writing, duly delivered to the chairman of the county board of elections, within five days after the meeting of the county returning board, that a second primary be held. In case such demand shall be made within said time, there shall be a second primary held for such office within ten days from the delivery of said demand under the same rules and regulations as the first, but no candidate shall be entitled to participate therein except the two who received the highest vote in the first primary.

Time for second primary.

Voters.

SEC. 7. That in such primary election only those shall be entitled to vote who are then or will become duly qualified voters in the election for which candidates are then being nominated and who are *bona fide* members of the party holding such primary.

Challenge for party affiliation.

If the party affiliation of any voter is challenged, he must show by his oath or otherwise, to the satisfaction of the managers, before being allowed to vote, that he voted for the candidates of the party holding said primary in the next preceding general election, unless he was prevented from voting therein by nonage, sickness, absence from the county or other unavoidable cause, or that he intends in good faith to ally himself with the party at whose primary he proposes to vote for the ensuing campaign and election, and must make oath that he will in good faith abide the results of the then pending primary and that he will vote for the candidates nominated therein for the office for which he votes in said primary, at the ensuing election, unless prevented from voting by some unavoidable cause.

Hours of voting.

SEC. 8. That the polls shall be opened on the day of the primary from seven o'clock a. m., to six o'clock p. m., and no longer. A

Space kept clear.

space of not more than fifty feet in every direction from the polls or room in which such primary election is held may be kept clear of all persons except the election officers and challengers, which space may, if the executive committee of the party holding said primary so direct in any precinct, be railed or roped off with a narrow passage to and from the polls, and each elector may be required to approach the polls from one direction through said passage, and, after his ballot is deposited in the box, with as little delay as possible, to depart by the passage leading from the polls. Only one voter shall enter said passage leading to the polls at one time. After the voter has entered the passage, no one except the

Communications forbidden.

election officers or the challengers shall be permitted to speak to or make signs to him until his ballot has been deposited and he has passed out of said enclosure. The said railed or roped space shall at all times during the hours of balloting be kept open and clear of all persons except the officers aforesaid. The executive committee

of either part of the county may appoint for each polling place one or more discreet persons as challengers. If the vote of any elector shall be challenged, then the election officers shall permit within the enclosure such witnesses as either challenger or elector may desire, to be admitted one at a time.

Challengers.  
Witnesses.

SEC. 9. That the several candidates for legislative and county offices shall at least five days prior to any primary election, file with the clerk of the superior court of the county a notice in writing that he will be a candidate in such primary election and the office for which he will be a candidate, which notice shall be signed by him and the said clerk shall endorse on the back of each notice the date filed in his office, and shall preserve the same subject to the inspection of any elector. The said clerk shall have a complete list of all of said candidates printed, with instructions thereon as to how many persons each voter may vote for for each office, and distribute the same at each precinct on the day of said election, for the information of the voters, and the managers must post at least five of said lists in conspicuous places at the precinct.

Notice of candi-  
dacy.

Lists of candidates.

SEC. 10. To provide funds for holding such primary elections and paying the expenses thereof, each candidate for the legislature and for county offices shall, at least five days before such primary, pay to the chairman of the party holding such primary such sums as may be assessed by the board hereinbefore provided for, not exceeding the sum of twenty dollars, and each township candidate two dollars, and each district candidate five dollars and each State candidate three dollars, and, failing to pay the same, shall not be entitled to participate in said primary: *Provided*, if there is any surplus after paying all the expenses of said primary it shall be pro-rated among the candidates. The said funds shall be paid to the clerk of the court, who shall use same to print tickets and distribute at the different primaries, and any other purpose and expense necessary to the proper conducting and holding said primaries of the different parties, shall be separately paid and accounted for by the clerk and the fund paid by the candidates of the respective parties shall be separately applied to the primary of such party. The fund to be paid by the candidates to be fixed by the executive committee of the party to which he belongs subject to the approval of the said board.

Assessments for  
expenses.

Proviso: return  
of surplus.

Funds paid to  
clerk.  
Use and account  
of funds.

SEC. 11. In case there shall be any office for which no candidate seeks the nomination before said primary, and for which no nomination is made by it, the nominees therefor may be named by the county executive committee of the party holding said primary or in such manner as said committee may direct.

Nominations by  
executive com-  
mittee.

SEC. 12. The executive committee of any political party holding a primary election hereunder may adopt such further rules for the conduct of the same as it may deem proper, not inconsistent with the provisions of this act.

Further rules.

Violation of duty  
a misdemeanor.

Punishment.

Frauds or corrup-  
tion a misde-  
memeanor.

Punishment.

False swearing or  
impersonation  
perjury.

Fraudulent voting.

Punishment.

Repeating a mis-  
demeanor.

Punishment.

Illegal voting  
a misdemeanor.

Use of liquor or  
bribery a misde-  
memeanor.

Punishment.

Application of  
act.

SEC. 13. Any manager who shall be guilty of unlawfully violating any of the duties devolving upon such position herein shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars or imprisoned not to exceed six months; and any manager who shall be guilty of fraud or corruption in the management of such election shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars or imprisoned not to exceed a term of twelve months, or both, in the discretion of the court.

SEC. 14. Any person who shall swear falsely in taking the prescribed oath or shall impersonate another or take the oath in his name, in order to vote, shall be guilty of perjury.

SEC. 15. If any voter, having participated in one party primary election, shall vote or attempt to vote in a different party primary election held for a similar purpose during the same political campaign, or in the primaries of both parties, he shall be guilty of fraudulent voting, and upon conviction shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter having voted once in such primary election shall vote or attempt to vote a second time in the same election at the same or a different poll, he shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars or imprisoned not less than thirty days, in the discretion of the court. Any person who shall vote in said election not being legally qualified and entitled to do so shall be guilty of a misdemeanor.

SEC. 16. If any person shall attempt to influence the vote of another by the use of intoxicating liquors, or if bribe be offered to bribe any voter by the promise of anything as a reward to be delivered or as a service to be performed prior to, at the time of, or subsequent to such primary election, and any person shall accept any bribe or other thing of value for his vote or influence in such primary election, he shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars or imprisoned not less than thirty days, in the discretion of the court.

SEC. 17. That this act shall apply to the county of Beaufort only.

SEC. 18. This act shall be in force from and after its ratification. Ratified this the 6th day of March, 1911.

#### CHAPTER 634.

### AN ACT AUTHORIZING THE BOARD OF EDUCATION OF GUILFORD COUNTY TO PAY FOR CERTAIN SERVICES.

*The General Assembly of North Carolina do enact:*

Allowance to  
auditor.

SECTION 1. That the board of education of Guilford County are hereby authorized in their discretion to pay the auditor of Guilford

County the sum of three hundred dollars in addition to any salary that may be paid him by the county commissioners, for special services rendered said board by said auditor.

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

Ratified this the 6th day of March, 1911.

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### CHAPTER 635.

#### AN ACT TO DEFINE POLITICAL PARTIES AND TO REGULATE NOMINATIONS OF CANDIDATES FOR PUBLIC OFFICES IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever one hundred or more of the qualified voters of Wayne County shall effect, have or maintain an organization for the purpose of nominating candidates for public offices to be voted for at any election to be held under the laws of the State of North Carolina, the said voters organized as aforesaid shall be and constitute a political party within the meaning of this act. Political party defined.

SEC. 2. That it shall be the duty of the chairman, manager or leader, by whatever name designated of each and every political party in Wayne County to file with the chairman of the board of elections of said county on or before the first day of July of the year of one thousand nine hundred and twelve, and on the first day of July every two years thereafter a copy of the rules and regulations prescribed by the said political party for the nomination of candidates for public officers to be voted for at any election to be held in Wayne County at any time within two years next ensuing after the filing of the same: *Provided*, that any alterations or amendments duly made by such political party to such rules and regulations may be filed with the said chairman at any time more than sixty days before the date of such election, and when so filed shall have the same force and effect as if contained in said rules and regulations as originally filed. Rules and regulations for nomination of officers.  
Proviso: alterations or amendments.

SEC. 3. That it shall be the duty of the chairman of the board of elections of Wayne County within twenty days after the filing with him of such rules and regulations or any alterations or amendments of the same, to cause the same to be published in a newspaper of general circulation in Wayne County, and to file a certified copy of the same in the office of the clerk of the superior court of Wayne County; that the said chairman of the board of elections shall file with the board of commissioners of Wayne County an itemized Publication of rules.  
Copy filed.

Payment of expenses.

statement, duly verified by him, of all expenses incurred by him in the discharge of the duties imposed by this act and the said board of county commissioners shall pay the said expenses out of the general fund of Wayne County, and shall in addition pay to the said chairman the sum of three dollars for each certified copy of the rules and regulations of the political party filed by him with the clerk of the superior court as herein required. That it shall be the duty of the clerk of the superior court to keep and preserve the certified copy filed with him as part of the records of his office.

Clerk to preserve copy.

Details of rules and regulations.

SEC. 4. That each political party shall set forth in its rules and regulations, first, the qualifications required of voters to participate in any convention, mass meeting, primary election or other meeting of the said political party; second, the method by which voters who possess the qualifications prescribed shall select its candidates for public office, whether by convention of delegates, by mass meeting, by primary election, or otherwise; third, the rules and regulations which shall govern the nomination of any and all candidates; fourth, the rules and regulations prescribed for ascertaining the result of any convention, mass meeting, primary election or other means of making nominations.

Nominations in accordance with rules.

SEC. 5. That when any political party has caused a copy of its rules and regulations to be filed with the chairman of the board of elections, and the same has been published in a newspaper and a certified copy of the same has been filed with the clerk of the superior court as herein required, nominations of candidates for public offices shall be made by such political party in accordance with such rules and regulations, and any person or persons who shall participate in any convention, mass meeting, primary election, or other method of making such nominations, of any political party, in violation of or contrary to the rules and regulations of said political party shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court: *Provided*, that in any action or prosecution pursuant to the provisions of this act, the certified copy of the rules and regulations filed in the office of the clerk of the superior court shall be the only evidence received of the rules and regulations of any political party within the meaning of this act.

Violation of rules a misdemeanor.

Proviso: evidence.

Primary elections if designated.

SEC. 6. That if any political party shall in its rules and regulations designate a primary election as the method of nominating its candidates for public offices, or of selecting or instructing delegates from Wayne County to any district or State convention, called or to be held by any political party with which the said political party of Wayne County affiliates, for the purpose of nominating candidates for district or State offices to be voted for at any election held in Wayne County, such primary elections shall be held in accordance with the provisions of this act, unless the same or any part of the same are in conflict with any rule or regu-

- lation of said political party which has been published in a newspaper as hereinbefore required: *Provided*, that in any primary election held in Wayne County for the selection or instruction of delegates to any district or State convention, the provisions of any primary election law passed by the State of North Carolina shall govern in any matters in which there is a conflict between the said general primary election law and this act. Proviso: State law predominant.
- SEC. 7. That every primary election held in Wayne County. for the purposes set out in section six of this act shall be conducted under the supervision of the chairman, manager or leader and the executive committee of the political party holding the same. That immediately after the date for such primary election has been fixed and before the call for the same has been published, the chairman and members of the executive committee of the political party which is to hold said primary election, shall each take and subscribe an oath that they and each of them will faithfully, impartially, and honestly conduct the said primary election according to the provisions of this act, and of the rules and regulations of the political party which they represent: that said oath shall be filed in the office of the clerk of the superior court. Supervision of Primary.  
Chairman and executive committee sworn.
- SEC. 8. That the executive committee of the political party shall cause a notice to be published in some newspaper of general circulation in Wayne County, giving the date on which said primary election will be held, the places at which the voters of the several precincts may vote, the hours between which the polls will be kept open, and such other information to voters as the said committee may deem proper: *Provided*, that the said notice shall be published at least thirty days before the date fixed for holding said primary election. Publication of notice.  
Proviso: time of publication.
- SEC. 9. That every person who wishes to have his name presented at a primary election as a candidate for public office, to be elected only by the qualified voters of Wayne County, shall announce his candidacy by a notice published in some newspaper of general circulation in Wayne County, giving the office for which he wishes to be nominated and stating that he will abide by the result of said primary election, and he shall also at least five days before the date set for holding the said primary election, file with the chairman of the executive committee a copy of said notice, together with an endorsement of his candidacy signed by at least ten voters, who shall certify that they possess the qualifications required of voters in said primary election; that it shall therefore be the duty of the said chairman to have ballots prepared containing the names of the said candidates in accordance with the rules prescribed for ballots by the political party holding such primary election; that each person who shall file with the chairman the notice aforesaid shall pay to the chairman the sum of five dollars to be used in defraying the expenses of publishing, distributing the ballots and holding the said Announcement of candidacy.  
Notice filed with chairman.  
Endorsement of candidacy.  
Ballots.  
Contribution to expenses.

primary elections; that no person shall be deemed a candidate at said primary election who has failed to comply with the provisions of this section.

Election officers.

SEC. 10. That the executive committee of each political party that shall hold a primary election in Wayne County, shall, at least five days before the days fixed for holding the same, select one registrar and two pollholders for each precinct in said county, who shall be qualified to vote in said primary election: *Provided*, no person shall be selected as a registrar or pollholder if any candidate who has complied with the provisions of this act shall object in writing to his selection; that each registrar and poll holder shall on the day set for holding the primary election take and subscribe an oath that he will faithfully, impartially and honestly perform the duties of his office; that the said oath shall be filed with the returns of said poll holders; that the duties and powers of registrars and poll holders at primary elections shall be the same as those prescribed for registrars and poll holders at elections held under the laws of North Carolina for members of the General Assembly; that vacancies shall be filled in the same manner as vacancies are filled at said election: *Provided*, that no person shall perform the duties or have the powers of registrar or poll holders until he shall have taken and subscribed the oath above prescribed.

Proviso: objection to appointments.

Officers to be sworn.

Duties and powers.

Proviso: officers to be sworn before acting.

Opening and exhibition of ballot boxes.

Conduct of election.

SEC. 11. That before any ballots are received at any primary election and immediately before opening the polls, the poll holders shall open each ballot box to be used in such election and exhibit same publicly to show that there are no ballots in such box; they shall then close, lock or seal such box, except the opening to receive the ballots, and shall not again open the same until the close of the election; they shall keep a list of the names of all persons whose ballots are tendered and accepted by them; if any person tendering a ballot shall be challenged by any bystander who has voted at such primary election, for any cause, before receiving the ballot they shall administer to the person challenged an oath that he is duly qualified to vote according to the rules and regulations of the party holding the primary election, that he has not voted before at said election, and that he will abide by the results of said election; that no person who shall take and subscribe the said oath shall be denied the right to vote in said election. That at the close of the election, the registrar and poll holders at each precinct shall proceed at once to open the ballot boxes, count the votes and declare the result; that any candidate or the representative of any candidate present may give notice before the said votes are counted, that he desires the ballots to be preserved, and thereupon it shall be the duty of the registrar and poll holders to preserve said ballots and after the same have been counted to return each and all of them to the box from which they have been taken, and the said box locked or sealed, shall within twenty-four hours be delivered to the chair-

Count of votes.

Preservation of ballots.

man of the executive committee. The registrar and poll holders shall certify the result of the count of the ballots under their hands and seals and shall at once transmit the same to the chairman of the executive committee, who shall give to any candidate requesting the same, a copy of said certificate. That the executive committee, who shall give to any candidate requesting the same, a copy of said certificate. That the executive committee of the said political party shall meet at the court-house in the town of Goldsboro on a day not later than three days after the date on which the said primary election has been held, and shall at such meeting receive the certificates from the several precincts, canvass the same and declare the results of the said primary election in accordance with the rules and regulations prescribed by the political party holding the said primary election.

Returns.

Canvass of returns

SEC. 12. That any chairman, manager or leader, by whatsoever name designated, any member of the executive committee of any political party, and any registrar or poll holder at any primary election, who, after taking and subscribing the oaths hereinbefore set out shall violate the said oath in any respect, shall be guilty of a misdemeanor and upon conviction thereof to be punished in the discretion of the court.

Violation of oath a misdemeanor.

Punishment.

SEC. 13. That any voter who shall swear falsely in taking the oath prescribed for persons challenged, or who shall vote knowing at the time that he does not possess the qualifications prescribed by the rules and regulations of the political party holding said primary election, shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

False swearing and illegal voting a misdemeanor.

Punishment.

SEC. 14. That in such primary elections only those persons shall be allowed to vote who are qualified under the rules and regulations of the political party holding such elections, and who are or will be qualified to vote in the election for which candidates are to be nominated; that if any voter having participated in a primary election, precinct or county convention, or mass meeting of one political party, shall vote or attempt to vote in a primary election held by different political party during the same campaign, he shall be guilty of fraudulent voting and upon conviction he shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter having voted once in such primary election shall vote or attempt to vote a second time in the same election at the same or a different poll, he shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars or imprisoned not less than thirty days in the discretion of the court.

Voters.

Fraudulent voting.

Punishment.

Repeating a misdemeanor.

Punishment.

SEC. 15. That if any person shall attempt to influence the vote of another by the use of intoxicating liquors or by a bribe, or if any person shall accept a bribe for his vote or influence he shall be

Use of liquor and bribery misdemeanor.

Punishment. guilty of a misdemeanor, and upon conviction he shall be punished in the discretion of the court.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 636.

AN ACT TO AMEND SECTION ONE, CHAPTER FIVE HUNDRED AND EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, IN RELATION TO THE DEPREDATION OF DOMESTIC FOWLS.

*The General Assembly of North Carolina do enact:*

Law extended. SECTION 1. That section one, chapter five hundred and eight, Public Laws of North Carolina be amended as follows: After the word "Buncombe" in line two of the said section add the word "Henderson."

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 637.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAKE COUNTY TO ISSUE BONDS TO PAY AND FUND THE DEBT OF THE COUNTY BOARD OF EDUCATION OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Issue of funding bonds ordered.

SECTION 1. That for the purpose of paying off and funding the floating debt of the county board of education of Wake County, caused by the loss of revenues occasioned by the voting out of the dispensary, the board of commissioners of Wake County are hereby authorized, empowered and instructed to issue fifteen thousand dollars in bonds, of not less than five hundred dollars nor more than one thousand dollars, with coupons attached, calling for interest at the rate of five per cent per annum on the principal of each bond, said coupons to be due and payable July first and January first in each year.

Amount.

Denominations.

Interest.

Date and maturity.

SEC. 2. Said bonds shall be dated as of the first day of January, one thousand nine hundred and eleven, and shall be due twenty years after date—that is to say, on the first day of January, one thou-

sand nine hundred and thirty-one, and shall be signed by the chair- Authentication.  
 man of the board of commissioners and countersigned by the clerk  
 of the said board. A record shall be kept in a book suitable for the Record.  
 purpose of the issue of the bonds, and the amount of each bond and  
 the name of the person to whom sold, by the clerk of the board. He  
 shall also keep an accurate account of the coupons and bonds which  
 shall be paid, taken or otherwise canceled, so by inspection of said  
 book the true state of the bonded debt herein provided shall be as-  
 certainied.

SEC. 3. That the interest becoming due on the first day of Jan- Payment of  
 uary and July in each year on the bonds provided for in House interest.  
 Bill Number . . . ., Senate Bill Number . . . ., shall be paid out of the  
 general funds for the public schools of Wake County, and no other.

SEC. 4. That the said bonds shall be an indebtedness against the Fund liable for  
 general fund for the public schools of Wake County, and no other. bonds.

SEC. 5. The bonds or coupons provided for by this act shall be Coupons receivable  
 receivable in payment of all county taxes, which shall be so ex- for tax.  
 pressed on their face.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 638.

### AN ACT TO CORRECT THE CALLS OF LAND GRANT NUMBER THREE HUNDRED AND THREE (303) IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That land grant number three hundred and three (303) Grant corrected.  
 in Jackson County when grant was issued but now in Transylvania  
 County, be and the same is hereby corrected so as to make the calls  
 therein agree with the plat, and the same shall read as follows:

A tract of land containing six hundred and forty acres, lying and Description of land.  
 being in the county of Jackson, on the waters of Toxaway River.  
 Beginning at a chestnut tree at the northeast corner of Albert  
 Lowe's tract on the Blue Ridge; thence south twenty-four east one  
 hundred and eighty-six (186) poles to a stake; thence north eighty-  
 nine (89) east two hundred and sixty (260) poles to a stake; thence  
 south ten (10) east three hundred and twenty (320) poles to a  
 stake; thence south eighty (80) west three hundred and five (305)  
 poles to a stake; thence north ten (10) west five hundred and four-  
 teen (514) poles, passing a corner of Albert Lowe's tract to the  
 beginning.

SEC. 2. That the Secretary of State is hereby authorized to cor- Correction of  
 rect said grant upon the records of his office and the register of records.

deeds of the county of Transylvania, upon presentation to him of a duly certified copy of this act, is hereby authorized to correct said grant upon the records of his office in accordance with this act: *Provided*, that this act shall not apply to pending suits either in this State or the United States courts nor shall it affect any vested rights, and the said grant may be attacked for fraud as if this act had not been passed: and *Provided*, that nothing contained in this act shall be held or construed as locating any line or corner of any tract nor shall same be used as evidence in any court for said purpose: *Provided, further*, that this act shall have no other or further effect than to correct the calls of said grant.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 639.

#### AN ACT TO PREVENT SMOKING AND CONGREGATING AROUND CHURCHES AT CLIFFSIDE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to smoke a pipe, cigar, cigarette, or to smoke tobacco in any way within two hundred feet of any church or schoolhouse or place of public worship at Cliffside, North Carolina, during service, or to congregate at doors during services or before or after services, and any person or persons so offending shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five dollars nor more than fifty dollars, or imprisoned not over thirty days, in the discretion of the court.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 640.

#### AN ACT TO AMEND SECTIONS NINE AND NINETEEN OF CHAPTER NINETY-SEVEN OF THE PUBLIC LAWS OF 1903, RELATIVE TO THE ROAD LAW IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nine of chapter ninety-seven of the Public Laws of one thousand nine hundred and three, be and the same is hereby amended by inserting after the word "labor" and before

Proviso: pending suits and vested rights.

Attack for fraud.

Proviso: other tracts.

Proviso: limit of effect.

Acts declared misdemeanor.

Punishment.

Day's work.

the word "on" in line four the words "of ten hours each of five days labor of eight hours each," and by striking out the proviso beginning in line sixteen.

SEC. 2. That section nineteen of said chapter be and the same is hereby amended by striking out the words "at any time the same may be required by the board of road trustees" between the word "shall" in line six and the words "make" in line seven of said section, and inserting in lieu thereof the word "semi-annually," and by adding at the end of said section the words "and file a copy of same with the chairman of the board of road trustees and with the chairman of the board of county commissioners." Semi-annual statements.

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

Ratified this the 6th day of March, 1911.

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### CHAPTER 641.

#### AN ACT FOR IMPROVING THE PUBLIC ROADS OF A SECTION OF THE COUNTY OF EDGECOMBE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of the taxes upon property and polls hereafter to be levied for public roads in Number Six Township, Edgecombe County, and in that part of Number Seven Township, said county, not embraced within the boundaries of the Rocky Mount road district as created by chapter eight hundred and fourteen of the Acts of one thousand nine hundred and seven, shall be and they are hereby directed to be used and applied exclusively for the improvement, repair, and construction of the public roads already laid out or hereafter to be laid out within the territory within which the said taxes are to be collected, as above set forth. And Number Six Township, Edgecombe County, and that part of Number Seven Township, said county, not embraced within the boundaries of Rocky Mount road district, as created by chapter eight hundred and fourteen of the Acts of one thousand nine hundred and nine, are hereby declared to be a road district for this said purpose and for the purposes hereinafter set out and contained. Application of road tax.  
Road district declared.

SEC. 2. That a road commission for the above defined road district shall be and the same is hereby created, composed of three members, who shall be elected by the board of commissioners of the county of Edgecombe at their first regular meeting in the month of May, one thousand nine hundred and eleven, and biennially thereafter, of which said road commission two members shall be chosen from that territory embraced within the boundaries of Number Six Township, said county, and one member shall be chosen from that Election of road commission.  
Residence of commissioners.

territory embraced within the boundaries of Number Seven Township, said county, and not embraced within the boundaries of Rocky Mount road district as above specified. Each person so elected shall hold office for two years from and after the first day of June and until his successor is elected and qualified. All vacancies occurring in said road commission shall be filled as soon as practicable by the board of commissioners for the county of Edgecombe, at the meeting next succeeding upon such vacancy, due regard, as above said, being had to the territory from which said commissioners shall be chosen. Each member of said road commission shall be a freeholder and a duly qualified voter, and the members of said road commission shall constitute a quorum for the transaction of business.

Term of office.

Vacancies.

Qualifications and quorum.

Incorporation.

Corporate name.  
Corporate powers.

SEC. 3. That the persons so elected and their successors shall be and they are hereby constituted a body politic and corporate by the name and style as follows, to wit: "Road Commissioners for Whitaker's Road District," and by such name they may sue and be sued, make contracts, adopt a seal, acquire real estate and personal property by gift, purchase or devise, hold and exchange the same and sell the same, and exercise such other rights and privileges as are incident to municipal corporations.

Time and place of meeting for organization.

Qualification.

Organization.

Regular meetings.

Special meetings.

Powers and authority of commission.

SEC. 4. That the members of such road commission, when elected, shall meet at the voting place in Number Six Township, said county, on the second Monday of June, one thousand nine hundred and eleven, or as soon thereafter as is practicable, and biennially thereafter, for the purpose of organization, and after being duly qualified by taking the oath of office, to be administered by any justice of the peace or duly commissioned notary public, shall proceed to organize by selecting one of their number chairman and one of their number secretary of said commission. Said road commission shall hold regular meetings at such times and places as they may agree upon, and shall likewise hold special meetings upon the call of the chairman or any two members of said commission, of which called meetings all the members shall be notified.

Orders for payment.

SEC. 5. That said road commission shall have full supervision and control of all labor to be worked on the public roads of the said described road district, and shall likewise have supervision of all public roads within said district, and shall have power and authority to hire labor and to purchase tools, materials, stock, equipment, machinery and other appliances or things necessary for the proper working of the public roads of said district under their supervision by hired labor, which shall be paid for out of the taxes levied and collected and hereafter to be levied and collected as aforesaid, within said district. All orders for the payment of any money directed to be paid out on account of the debts devolving upon said road commission shall be signed by the chairman and one member of said road commission, acting as secretary, and shall be

drawn on the treasurer of the county of Edgecombe, who shall pay and charge said order to the road fund of said district, which said fund the sheriff or tax collector of the county of Edgecombe is hereby directed to collect and turn over to the treasurer of the county of Edgecombe, and the said treasurer is hereby directed to keep said fund separate and apart and distinct upon his books as the road fund of and for said road district. The cost of repairing and building bridges within said road district, if less than fifty dollars, shall be paid by said road commission out of the said fund; if more than fifty dollars in any one instance, it is directed to be paid out of the general fund of the county of Edgecombe.

Fund kept separate.

Bridges.

SEC. 6. That the road commissioners of said road district are hereby empowered to co-operate with the road commissioners of the Rocky Mount road district or of any other road district, whether in Nash County or Edgecombe County, adjoining them, in the working of public roads, if in their judgment a saving of money can be effected by such co-operation; and the interest of each road district so co-operating in the purchase of machinery, live stock, appliances, tools or equipment, or in the working of said roads, shall be the proportion which that part of the purchase money supplied by such road district bears to the total cost of the joint purchase or work.

Co-operative work.

SEC. 7. That the said road commission hereby created, in constructing and working the public roads in their said district, shall make the roadway not less than eighteen feet nor more than forty feet wide. In constructing the said roads, the said road commission shall make them as nearly straight as practicable, and shall grade them. In laying out, opening, constructing or working the public roads of said district, the road commission of said district or any superintendent acting under them shall have the right to enter upon the lands of any person over whose lands the road may pass, and may proceed to open up said roads and use such standing timber, stone, earth or other material as may be necessary for the work. Any timber or wood taken for use in building the roads in said district must be at the time of the taking within forty feet of said road, and must be taken with as little injury as possible to the property on which the same is situated, and the said road commission shall have authority to agree with the owner as to the damage sustained by him, and the sum so agreed upon shall be paid immediately by such road commission, by an order on the treasurer of the county drawn against the said road district's fund, with like formality as is provided for the payment of other moneys. In case the road commission and the owner can not agree on the amount of damage, then each opposing party shall select one arbitrator and the two thus selected shall select a third, and the three shall assess the damages, which assessment and award, made in writing, shall be final and conclusive upon both parties.

Details of roads.

Entry on land.

Agreement on damages.

Arbitration of damages.

Employment of  
superintendent.  
Duty and powers.

SEC. 8. That said road commission herein created may employ a superintendent, who shall have the supervision of hands and of their employment, and shall see that the work directed by the road commission is properly performed. He shall have charge, jointly with said commission, of the tools, machinery and property belonging to said district; he shall report directly to said road commission, and may be discharged at any time by said road commission: *Provided, however,* that in constructing and working the public roads of said district and in employing the superintendent, the road district herein created may combine with and co-operate with any adjoining road district; and in the event of such co-operation and joint work, each road district is to bear such part of the expense incurred as is proportionate to the labor done on its roads.

Proviso:  
co-operation  
authorized.

District released  
from further  
tax and from road  
duty.

SEC. 9. That the property embraced within the boundaries of the road district herein created shall not be liable to the county of Edgecombe for any road tax to be used outside of said road district, nor shall the persons living in said district be liable for any personal road service after this act shall have gone into effect; nor shall the county of Edgecombe be liable for any expenses of public roads in said district after this act shall have gone into effect, except on account of repair or construction of bridges, as aforesaid, costing more than fifty dollars; which said bridges shall be repaired or constructed as aforesaid out of the general fund of the county of Edgecombe.

Liability of  
county.

Pay of road  
commissioners.

SEC. 10. That the road commissioners above provided shall receive as compensation for their services two dollars and fifty cents per day each for the time they shall actually spend in performing their said duties, the same to be provided and paid out of the road fund belonging to said road district; but no road commissioner shall be entitled to receive compensation for more than twenty days in any one year.

Limit.

Rules and  
regulations.

SEC. 11. That the road commissioners herein provided for shall have power and authority to make such rules and regulations as they may deem expedient and necessary for the carrying out of the provisions of this act, not inconsistent with or superior in authority to the provisions of this act itself. They shall have authority to employ counsel in all matters in which they may deem it necessary, and to pay such counsel out of any funds that may come into their hands as such road commissioners.

Employment of  
counsel.

Approval of act.

SEC. 12. That this act shall not be effective until the same shall have been approved by the board of county commissioners of Edgecombe: *Provided, however,* that said board of commissioners may, if it shall see fit to do so, approve the said act as to Number Six Township alone, or as to Number Six and that part of Number Seven Township herein included. As to so much and such part of the territory as the act is approved by said board of commissioners

Proviso: partial  
approval.

Act effective on  
approval.

it shall be in as full force and effect as if passed for that territory only.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

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CHAPTER 642.

AN ACT FOR THE RELIEF OF W. R. MEDFORD, TAX COLLECTOR OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. R. Medford, tax collector for Haywood County, be and is hereby authorized and empowered to collect all the remaining taxes due and unpaid for the years one thousand nine hundred and eight, one thousand nine hundred and nine, and one thousand nine hundred and ten. Collection of arrears authorized.

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

Ratified this the 6th day of March, 1911.

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CHAPTER 643.

AN ACT TO PREVENT THE OBSTRUCTION OF THE FLOW OF WATER IN THE DRAINWAYS OF JONES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation, or agent of any person, firm or corporation, to obstruct the flow of water in any canal, ditch or runway of any swamps (it being the natural watercourse of such ditch or stream) in Jones County, by placing obstructions of any kind in same. Obstructions forbidden.

SEC. 2. That it shall be unlawful for any person, firm or corporation, or agent of any person, firm or corporation, to cut and leave logs, tree-tops or other obstruction in or across any stream in Jones County that is now used to raft or float logs in, which might serve to stop or retard the flow of water or hinder the passage of logs in such stream. Leaving timber or brush in or across streams forbidden.

SEC. 3. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days for each and every offense. Misdemeanor. Punishment.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 644.

AN ACT TO PREVENT THE DUMPING OF SAWDUST INTO  
THE STREAMS IN RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful for any person, firm or corporation operating any sawmill in Rutherford County to dump sawdust into any of the running streams in said county.

Punishment.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall pay a fine of fifty dollars for each and every offense.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 645.

AN ACT TO PROVIDE FOR THE PROPER DEPOSIT OF ALL  
PUBLIC FUNDS OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Treasurer to  
deposit funds.

SECTION 1. That all moneys coming into the hands of the treasurer of Robeson County by virtue of his office, whether belonging to the general county fund, the general road fund, any district or township road fund, general school fund, any special school tax fund, or otherwise, and any and all public moneys from whatever source derived and coming into the hands of the treasurer of Robeson County by virtue of his office, shall be deposited by the treasurer of said county in such bank or banks as may be designated by the board of commissioners of said county in accordance with the provisions of this act.

Designation of  
depositories.

SEC. 2. It shall be the duty of the board of commissioners of Robeson County, acting by majority vote, to direct the treasurer of Robeson County to deposit all public moneys coming into his hands by virtue of his office in such bank having its principal office in the county of Robeson as shall agree to pay the highest rate of interest on average daily balances of public moneys on deposit and shall agree to loan the lawful authorities of said county such sums of money as may be required for public purposes (not exceeding twenty thousand dollars (\$20,000) in any one year) at the lowest rate of interest, and as shall give the undertaking required by this act.

Duty of treasurer.

And it shall be the duty of the treasurer of Robeson County to promptly deposit all public moneys received by him in such bank as may be designated by said board of commissioners under the provisions of this act.

SEC. 3. The board of commissioners of Robeson County shall meet at the court-house in Lumberton on the first Monday in May, one thousand nine hundred and eleven, and on the first Monday in May in each succeeding year, at twelve o'clock noon, for the purpose of receiving bids and awarding the deposit of public moneys in accordance with the provisions of this act.

Meeting to receive bids and award deposits.

SEC. 4. On the first Monday in April, one thousand nine hundred and eleven, and at the same time in each and every year thereafter, it shall be the duty of the chairman of the board of commissioners of said county to publish at the court-house door and also in some newspaper of general circulation in said county, for thirty days, a notice setting forth that on the first Monday in May thereafter the board of commissioners of Robeson County will meet at the court-house in Lumberton for the purpose of receiving and opening bids for the deposit of the public moneys under the provisions of this act, and the said notice shall contain in a brief way the provisions of this act. All bids shall be sealed and shall be endorsed "Bids for deposit of public moneys" and shall be addressed to the chairman of the board of commissioners of Robeson County and may be filed with him at any time prior to the time fixed in the notice for the opening thereof. All bids shall remain under seal until opened as herein provided, and it shall be the duty of the chairman of said board to receive bids up until twelve o'clock noon on the said first Monday in May in the current year, but no bid shall be received after that time.

Advertisement of meeting.

Bids.

SEC. 5. At twelve o'clock noon on the said first Monday in May, one thousand nine hundred and eleven, and at the same time in each succeeding year, the board of commissioners of Robeson County shall meet at the court-house in Lumberton and at said time and place the chairman of said board shall publicly unseal all bids received by him and publicly announce the contents thereof with the name of the bidder, and after being opened all bids shall be subject to the inspection of the general public and shall be kept on file by the clerk to said board of commissioners.

Opening of bids.

SEC. 6. On said first Monday in May, one thousand nine hundred and eleven, and at the same time in each succeeding year, after opening all bids as aforesaid, the board of commissioners of said county shall proceed to award the deposit of all public moneys coming into the hands of the treasurer of Robeson County for a period of one year from the date of said award, or in his hands or under his control at the time the said award is made, to such bank having its principal office within the county of Robeson as shall agree to pay the highest rate of interest on average daily balance of public funds on deposit and as shall agree to loan to the lawful authorities of Robeson County such sums of money as may be required for public purposes (not exceeding the sum of twenty thousand dollars (\$20,000) in any one year) at the lowest rate of interest and as shall execute the undertaking provided in this act.

Award of deposits.

Division of deposits.

SEC. 7. If the bids submitted by any two or more banks shall be the same, but higher than the other bids received, then the deposit of all public moneys shall be divided between or among the said banks making the highest bid, pro rata.

Notification to successful bidder.

SEC. 8. It shall be the duty of the chairman of the said board of commissioners on said first Monday in May, one thousand nine hundred and eleven, and at a similar time in each succeeding year, after the bids are opened and the award made, to notify the president or cashier of the successful bidder and thereupon the bank to which the award has been made shall have ten days after receipt of such notice in which to execute and tender the undertaking required by this act.

Undertaking for security.

SEC. 9. Before receiving any deposit of public money under the provisions of this act, the bank to which is awarded the deposit of the public money shall enter into an undertaking, payable to the State of North Carolina, with some solvent surety company doing business in North Carolina and approved by the Insurance Commissioner of said State, in the penal sum of twenty-five thousand dollars (\$25,000), conditioned upon the safe keeping and proper accounting to the lawful authorities of all public moneys deposited with such bank under the provisions of this act. The said undertaking shall be filed with the chairman of the board of commissioners and approved by him, and thereupon the said undertaking shall be filed with other official bonds in the office of the register of deeds of said county.

Filing and approval of undertaking.

Notice to treasurer.

SEC. 10. Upon the execution and approval of said undertaking it shall be the duty of the chairman of said board of commissioners, in writing, to notify the treasurer of Robeson County of the bank or banks to which the award or the deposit of public money has been made, and it shall thereupon be the duty of the treasurer of Robeson County, within ten days thereafter, to deposit or cause to be deposited all public moneys then in his hands, or which may thereafter come into his hands by virtue of his office, in the bank or banks so designated by the board of commissioners, and to continue to deposit all such public moneys in such bank or banks until otherwise directed and notified in writing by the chairman of said board of commissioners.

Duty of treasurer.

Banks entitled to deposits.

SEC. 11. The bank to which the deposit of public moneys is awarded, upon compliance by it with the terms of its bid, shall be entitled to receive from the treasurer the deposit of all public funds for a term of one year from and after the date of the award; and upon the expiration of said period, it shall be the duty of the chairman of the board of commissioners to again advertise for bids and it shall be the duty of the commissioners to again award the deposit of public money for the period of another year, in accordance with this act; and so on in each year.

Future advertisement and award.

SEC. 12. If any bank shall fail or neglect in any respect to comply with the terms of its bid, then it shall be the duty of the chairman of the said board of commissioners to forthwith re-advertise for bids and to cause another award to be made and the deposit of public moneys shall be transferred to the successful bidder upon such new award who shall comply with the terms of his bid; and it shall also be the duty of the board of commissioners to cause such action to be instituted as may be necessary to indemnify the county of Robeson on account of any default made by any bank in failing, refusing or neglecting to comply with the terms of its bid.

Re-advertisement and award.

Action for indemnity.

SEC. 13. It shall be the duty of the treasurer of Robeson County to collect the interest due from any bank in accordance with its bid and to credit the amount thereof to the general county fund and such collection of interest shall be made semi-annually on the first Mondays of November and May in each and every year; and the treasurer shall submit within thirty days after such collection a statement to the board of commissioners of the amount collected.

Interest on deposits.

If any bank shall fail, neglect or refuse to pay over to the treasurer the interest due the county in accordance with its bid, then it shall be the duty of the board of commissioners to cause such action to be instituted as may be necessary in any court of competent jurisdiction to collect the amount due, and to prosecute such action to final judgment; and upon any such failure to pay interest due, the chairman of the said board of commissioners shall proceed to advertise for other bids and the board of commissioners shall make another award for the unexpired term for which the deposit was awarded to the defaulting bank, and such re-advertisement and new award shall be made under the provisions of this act.

Action on default in payment.

Award for unexpired term.

SEC. 14. On the first Monday in June, one thousand nine hundred and eleven, and on each Monday thereafter, it shall be the duty of the sheriff of said county to turn over to the treasurer all funds collected by him and belonging to the public funds, and on the same day, or the next day, it shall be the duty of the treasurer to cause all moneys so paid and turned over to him to be deposited in the bank or banks designated by the board of commissioners in accordance with the provisions of this act. And if said sheriff shall fail to turn over all moneys collected by him to the treasurer at the time herein required, or if the treasurer shall fail, or neglect to deposit the said moneys in the bank or banks designated by the said board of commissioners, and at the times herein provided, then the person so offending shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

Sheriff to settle weekly.

Treasurer to deposit.

Failure by sheriff or treasurer misdemeanor.

Punishment.

SEC. 15. If the board of commissioners of Robeson County, or any member thereof, shall fail, neglect or refuse to award the deposit of the public moneys as and in accordance with the provisions of this act, then every member of said board, so offending, shall be guilty of a misdemeanor and shall, upon conviction, be fined or im-

Commissioners failing to award deposits guilty of misdemeanor.

Punishment.  
Penalty.

prisoned, in the discretion of the court; and shall also forfeit and pay the sum and penalty of two hundred dollars (\$200) to be recovered by any person suing for the same in any court of competent jurisdiction in Robeson County.

SEC. 16. That all laws and clauses of laws in conflict with the provisions of this act be and they are hereby repealed.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 646.

AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND NINETY-EIGHT OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO PAY OF JURORS IN YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

Regular jurors  
and accepted  
veniremen.

SECTION 1. That section two thousand seven hundred and ninety-eight of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding a new clause as follows: "The regular jurors for Yadkin County and such veniremen as shall be taken in the trial of capital cases shall be paid the sum of two dollars per day and mileage, as now provided by law; and talesmen and special veniremen who are summoned but do not serve shall receive one dollar and fifty cents per day, but no mileage, except talesmen when ordered to return another day.

Talesmen and  
veniremen not  
accepted.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 647.

AN ACT TO ESTABLISH A SPECIAL COURT IN THE TOWN OF THOMASVILLE, TO BE CALLED THE RECORDER'S COURT, AND TO PRESCRIBE ITS JURISDICTION.

*The General Assembly of North Carolina do enact:*

Establishment of  
court authorized.

SECTION 1. The board of aldermen of the town of Thomasville is hereby authorized and empowered to establish a court for the trial of petty misdemeanors, to be designated as the recorder's court of the town of Thomasville.

Court of record.  
Recorder.

SEC. 2. Said court shall be a court of record and shall be presided over by a recorder, who shall be an elector of the town of Thomasville.

SEC. 3. Said recorder's court shall be elected by the board of aldermen of the town of Thomasville on the second Tuesday of May of each year, and shall qualify as such recorder on the first Tuesday in June of each year. He shall take and prescribe the oaths required by the judges of the superior court and shall receive a compensation to be fixed by said board of aldermen not to exceed fifty dollars per month.

Election and qualification.

Compensation.

SEC. 4. The court shall hold daily sessions, Sundays and legal holidays excepted, at the town hall at the town of Thomasville or other places designated by a resolution of the board of aldermen, the first session to be held on the first day after the qualification of said recorder, as hereinafter provided.

Sessions of court.

First session.

SEC. 5. Said court shall have final, original, exclusive jurisdiction of all misdemeanors occurring or committed within the corporate limits of the town of Thomasville, as follows, to wit: of all offenses which are a violation of any ordinance of the town of Thomasville, and of all crimes the jurisdiction of which is now or may hereafter be given to justices of the peace. That in addition to the offenses above mentioned, the following crimes, to wit: carrying concealed weapons, gaming, gambling, keeping bawdy houses, larceny, or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed twenty dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after having been forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors without license: selling or giving away spirituous liquors to minors: selling or giving away cigarettes to minors; obtaining advances by false pretenses; disposing of mortgaged property; all crimes against the public health, as contained in The Revisal of one thousand nine hundred and five, from section three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive; all misdemeanors, as contained in chapter eighty-one of The Revisal of one thousand nine hundred and five and acts amendatory thereof where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year; and all crimes which under the common law are misdemeanors wherein the punishment is in the discretion of the court, are hereby declared by this act to be petty misdemeanors, and final, exclusive, original jurisdiction thereof is hereby given to the recorder's court of the town of Thomasville.

Jurisdiction.

Additional jurisdiction.

SEC. 6. That in addition to the jurisdiction given in section five of this act, said court is hereby given exclusive, original jurisdiction to hear and bind over to the proper court all persons charged with any crime committed within the town of Thomasville wherein the preliminary investigation thereof is now conferred on justices

Jurisdiction as court of committal.

- Costs paid to town. of the peace or the mayor of Thomasville, and said cost of the arrest and such commitment as herein provided shall be paid to the town of Thomasville by the county commissioners of Davidson County, upon the bill being verified and filed with said commissioners by the clerk of the said recorder's court, as hereinafter provided.
- Warrants. SEC. 7. Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any offense of which said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the superior court of Davidson County, and upon such appeal the trial in the superior court shall be *de novo*.
- Right of appeal.  
Trial on appeal. SEC. 8. In such cases heard by the recorder of the court established by this act, as committing magistrates, against any person or persons whereof the said court herein established has not jurisdiction, in which the probable cause of guilt is found, such person or persons shall be bound in bond or recognizance with sufficient surety to appear at the next succeeding term of the superior court of Davidson County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Davidson County to await trial as aforesaid.
- Recognizances to superior court. SEC. 9. All persons convicted in said court of any of the offenses mentioned in any section of this act shall be fined or imprisoned according to law, and any person convicted of any offense shall pay the cost of prosecution.
- Commitments. SEC. 10. When any person is convicted of an offense of which said court has jurisdiction and the punishment imposed is fine or imprisonment and cost, the recorder shall sentence the defendant to the county jail of Davidson County to be worked upon the public roads of Lexington Township.
- Punishment. SEC. 11. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of the said court shall be the same as are prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to an ensuing term of the superior court for the trial of criminal cases, and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to insure the defendant's appearance, and in default thereof the said recorder shall commit such defendant to the common jail of Davidson County until such defendant shall give bond or be otherwise discharged according to law.
- Costs. SEC. 12. The said court shall also have jurisdiction to try all actions for the recovery of any penalty imposed by law or this act, or by any ordinance of the town of Thomasville for any act done within the said town of Thomasville, and said penalty shall be
- Sentence to jail or road work.
- Recorder to preside.
- Proceedings of court.
- Right of appeal.
- Bond on appeal.
- Commitment in default of bond.
- Actions for penalties.

recovered in the name of the town of Thomasville; and in all cases where judgment shall be entered against any person for fines or penalties, and the person against whom the same is adjudged fails or refuses to pay such judgment, it shall be lawful for the recorder of said court to order and require said person to be worked on the public roads of Lexington Township until, at a fair rate of wages to be fixed by the county commissioners, such person shall have worked out the full amount of said judgment and cost.

Work in payment of fines and penalties.

SEC. 13. Said court shall have a seal, with the impression "The Recorder's Court of the Town of Thomasville," which seal shall be used in attestation of writs, warrants or other proceedings, acts, judgments or decrees of said court in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Seal of court.

SEC. 14. The recorder may issue his process to the chief of police or to the town police of the town of Thomasville, or to the sheriff or constable, or to other officers of the county of Davidson, and such process, when attested by the seal of the recorder's court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to the law.

Issue of process.

SEC. 15. Should the recorder be prevented from attending to his duties on account of sickness or other temporary inability, or by absence from the town of Thomasville, then and in that case the board of aldermen of the town of Thomasville shall elect a substitute recorder, who shall have all the jurisdiction, power and authority herein conferred upon the duly elected recorder of the said town of Thomasville.

Substitute recorder.

SEC. 16. The recorder shall be allowed such costs as are now allowed by law in similar proceedings before justices of the peace except for the trial and judgment the fee shall be two dollars for each trial and judgment, and when more than one defendant one dollar for each additional defendant, and the clerk of said court shall be allowed such costs as are allowed by law in similar proceedings to clerks of the superior court, and all such costs recovered and collected in said court shall belong to the town of Thomasville to reimburse said town of Thomasville for salaries paid by it to said recorder and said clerk, and should costs not be sufficient to pay the said salaries over and above the costs paid to the officer who executed the paper for fees attached to such services, then said deficiency shall be paid out of penalties collected for violation of town ordinances, and all fines and forfeitures collected by said court shall be paid to the treasurer of said county, as provided now by law, and the clerk of said court shall file with the county board of education of Davidson County an itemized account of said fines and forfeitures; and the said board of education shall appropriate to the Thomasville graded school, in addition to the per capita appropriation as now provided in the general school law, an amount

Costs allowed recorder.

Costs allowed clerk.

Costs to use of town.

Fund for deficiency.

Itemized accounts.

Appropriation to graded school.

Fees of salaried officers.

each year equal to the amount of such fines and forfeitures collected by said court and paid to such treasurer; and all fees allowed by law for an arrest or services or other process in a criminal action, when the same shall have been made by the sheriff, chief of police or other officer who is on a salary, shall be paid over to the treasurer of the town of Thomasville for the use of said town and to reimburse it for the expenses of supporting said court.

Election of clerk.

SEC. 17. The board of aldermen of said town shall elect a clerk for said court, who shall be *ex officio* a justice of the peace, with power to issue process, returnable before said court, and shall be paid a salary of not more than twenty-five dollars per month, to be paid by the town of Thomasville. Before entering upon the duties of his said office as such clerk, he shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, for the true and faithful performance of his duties as clerk, and for the faithful accounting of all moneys which may come into his hands as such clerk.

Powers and salary.

Clerk to give bond.

Records to be kept by clerk.

SEC. 18. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing or trial and punishment imposed, which said record shall at all times be open and subject to inspection by the board of aldermen or other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the superior court. He shall also provide proper files to properly keep the record of all cases which shall be disposed of in said court and what disposition has been made of them. The record books, dockets and files herein provided for shall be paid for by the board of aldermen of the town of Thomasville.

Record open to inspection.

Permanent dockets.

Files.

Jury trial.

SEC. 19. That in case any defendant arraigned for trial before said court shall demand a trial by jury as allowed by law, the said court shall cause to be drawn from the jury box to be provided by the said board of aldermen of the town of Thomasville a jury to try said cause. Said defendant shall be required to pay the fees allowed by law for jurors in cases before justices of the peace before the said jury is drawn; and it shall be the duty of the said board of aldermen of the town of Thomasville to provide a jury box for this purpose, containing the names of all persons eligible to jury service living within the corporate limits of the town of Thomasville; and in such cases above mentioned the jury shall be drawn as is prescribed in cases before justices of the peace.

Jury fees.

Jury box.

Costs paid by county.

SEC. 20. When any defendant tried and convicted before said court shall be sentenced to the public roads of Lexington Township, the said board of commissioners of the county shall pay the town of

Thomasville, upon account being filed and verified by the clerk of the said court of proper cost of such action to reimburse the town of Thomasville for its expense in maintaining said court in the same manner as is now provided for the payment of costs in trials before the mayor of the town of Thomasville.

SEC. 21. All cases which have heretofore been hearable by the mayor of Thomasville, shall, after this act goes into effect, be tried by the recorder appointed in this act, but no cases which are pending in the superior court of Davidson County at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court. Transfer of cases.

SEC. 22. The person, if he be an attorney, appointed recorder by this act, and his successors in office, shall not be debarred by reason of holding said office from practicing law in the courts of North Carolina. Recorder may practice law.

SEC. 23. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1911.

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#### CHAPTER 648.

### AN ACT TO PROVIDE COURT STENOGRAPHERS FOR STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the judge presiding in the superior courts of Stanly County shall have authority in all civil cases and in the trial of all felonies to appoint one or more court stenographers whose duty it shall be to take full stenographic notes of all oral testimony, the admissions made by either side, the objections to the introduction of testimony, the rulings of the court thereon and the objections taken to such rulings, all motions and matters heard and passed upon by the court upon matters controverted by parties, and the charge of the court to the jury, and whenever required by the judge the stenographer shall read the notes to the jury. All such stenographers before entering upon their duty shall take an oath to discharge faithfully and impartially all duties imposed upon them by this act. Appointment authorized.  
Duty.  
Stenographer to be sworn.

SEC. 2. The presiding judge shall have discretion to designate cases to be reported by the stenographer and shall have discretion to tax the costs of the same against either party or both parties, as he may deem proper and just. Said costs when collected shall be paid to the county treasurer as part of the general county fund: Designation of cases.  
Costs.

Proviso: cost taxed  
by clerk.

Limit.

Fees of  
stenographer.

Allowance for  
expense.

Copies of  
transcriptions.

Proviso: cost of  
transcription.

Copy furnished  
judge.

Fees of clerk.

Payment of  
stenographer.

Stenographer's  
notes evidence.

*Provided*, that where the judge shall have neglected to tax the cost in the case so reported it shall be the duty of the clerk of the court to tax the same upon the party cast, but not more than five dollars for each day or fraction of a day required for the trial of a case shall be taxed in one case.

SEC. 3. The fees allowed shall be five dollars for every day or part of a day that the stenographer may be engaged in the courthouse; and in the event such stenographer shall not be a resident of the county seat where the court is held, he or she shall be allowed the sum of two dollars per day and mileage to and from the county seat for actual expenses; and in all cases where the judge may direct the evidence, charge, exceptions and other notes to be transcribed, the stenographer shall furnish one original to be filed in the court and one copy for each of the parties, and he or she shall be allowed ten cents per copy sheet of one hundred words for the original, but there shall be no extra charge for the two copies furnished: *Provided*, that where said notes are transcribed at the request of the litigant the costs of same shall be paid by the person so requesting and shall not be a charge against the county.

SEC. 4. The copy so furnished the judge presiding shall be preserved by him and shall be used in making up the case on appeal, and a charge of only five cents per copy sheet shall be made by said clerk for that part of the case on appeal so furnished by said official stenographer instead of the usual charge of ten cents per copy sheet.

SEC. 5. At the meeting of the board of commissioners next ensuing upon each term of said courts, or at any subsequent term when a bill for same has been presented, duly audited by the clerk of the court, an order shall be made by said board of county commissioners directing the county treasurer to pay such stenographer for his or her said services.

SEC. 6. Whenever it shall become necessary in any court in the State to prove the testimony of a witness at the trial of any former case in Stanly County, the certified typewritten copy of the notes of such testimony taken by the official stenographer shall be evidence to prove the same.

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

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

Ratified this the 6th day of March, 1911.

## CHAPTER 649.

## AN ACT TO INCREASE THE PAY OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY.

That, whereas, the great increase in the public business and the Preamble. constant growth in Halifax County, has necessarily increased the duties of the county commissioners; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That each member of the board of commissioners of Halifax County shall be allowed the sum of four dollars (\$4) per day for the actual time employed in the discharge of their duties, and mileage. Per diem. Mileage.

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

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

Ratified this the 6th day of March, 1911.

## CHAPTER 650.

## AN ACT TO ESTABLISH A FREE FERRY ACROSS THE CAPE FEAR RIVER AT WILMINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the city of Wilmington, county of New Hanover and county of Brunswick, are hereby authorized, empowered and directed to establish and maintain a free ferry across the Cape Fear River at some point connecting that portion of the city of Wilmington on the east shore of the river with the western bank thereof, the exact place to be determined by representatives of the city of Wilmington, and the two counties, and in connection therewith to establish and maintain a roadway from the point where the said ferry crosses the Cape Fear River to the western bank of the Brunswick River, with all necessary bridges. Establishment and maintenance of free ferry directed. Location. Roadway.

SEC. 2. That the expenses of acquiring, building and maintaining the said ferry and road shall be raised from the general funds and shall be shared by Brunswick County paying thirty per cent, the city of Wilmington thirty-five per cent, and the county of New Hanover thirty-five per cent of the same. Apportionment of expense.

SEC. 3. That the acquiring or establishing of said ferry, and the building and maintaining the same together with the road hereby authorized and directed to be established and maintained, shall be done by a committee of three, one representing the city of Wilmington, another the county of New Hanover, and the other the county Committee.

Semi-annual reports.

of Brunswick, and the said committee shall report their acts and doings semi-annually to the city and counties which they respectively represent.

Purchase of established ferry.

SEC. 4. That the committee representing the city of Wilmington and the two counties provided for in section three of this act, are authorized and empowered to purchase any established ferry over the Cape Fear River at, near or in the city of Wilmington, and the road used in connection therewith, in the event they can agree with the owners of said ferry upon the price to be paid, and they are further authorized, empowered and directed, in the event they can not agree upon the terms of purchase with the owner of such ferry and road, to condemn the same in an action brought in the superior court of New Hanover County, in accordance with the provisions of law with reference to the condemnation of lands for railroads and other purposes: *Provided*, that the clerk of the court shall appoint one of the appraisers from the county of Brunswick.

Power to condemn ferry.

Proviso: appraisers.

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

Ratified this the 6th day of March, 1911.

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#### CHAPTER 651.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PUBLIC ACTS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND ONE, BY PROVIDING THAT THE CHAINGANG SHALL BE WORKED AT LEAST NINETY DAYS IN EACH YEAR ON THE STREETS OF MONROE AND IN QUARRYING AND CRUSHING ROCK TO BE USED IN SAID CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter three hundred and sixty-six of the Public Acts of one thousand nine hundred and one shall be amended as follows: By adding after the word "work" and before the word "the" in line two of said section, the following words, to wit: "The chaingang at least ninety days on the streets in the city of Monroe and in quarrying and crushing rock to be used in said city on the public streets and pavements: *Provided*, it shall not be required to do all this work at one time, but at least sixty days of said work shall be done before the first day of August of each year and at least thirty more days before the first day of December of each year. And the other part of the time of each year shall be used by said road commissioners in working": *Provided*, that the working of the streets of the city of Monroe by the chain-

Work prescribed.

Proviso: time of work.

Proviso: work discretionary.

gang as above set forth shall be in the discretion of the road commissioners and shall not be compulsory.

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

Ratified this the 6th day of March, 1911.

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CHAPTER 652.

AN ACT TO PROHIBIT THE SETTING OF FISH TRAPS IN ANY OF THE WATERS OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to set a fish trap in Lumber River north of Fair Bluff or any of the other waters of Robeson County, for a period of three years from and after the ratification of this act. Prohibition of fish traps.

SEC. 2. That any person, firm or corporation who shall violate section one of this act shall be guilty of a misdemeanor, and on conviction shall pay a fine of not more than fifty dollars, or be imprisoned not exceeding thirty days: *Provided*, one-half of the fine shall go to the informer, the other half to the school fund of the county. Misdemeanor.  
Punishment.  
Proviso: one-half fine to informer.

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

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

Ratified this the 6th day of March, 1911.

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CHAPTER 653.

AN ACT TO RE-ENACT CHAPTER ONE HUNDRED AND FIFTY-TWO, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATING TO PAY OF JURORS IN CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-two, Public Laws of one thousand nine hundred and three, be and the same is hereby re-enacted. Law re-enacted.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 654.

## AN ACT REGULATING THE HUNTING OF FOXES IN ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Close season. SECTION 1. That it shall be unlawful for any person to hunt foxes, with gun or dogs, or trap or carry out of the State any fox between the first day of February and the first day of October of each year.

Misdemeanor. SEC. 2. That any person violating this act shall be guilty of a Punishment. misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not more than thirty days.

Application of act. SEC. 3. That this act shall only apply to Alamance County.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 655.

## AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-FIVE OF ACTS OF ONE THOUSAND NINE HUNDRED AND NINE, OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, ENTITLED "AN ACT PROVIDING FOR THE BETTER CONSTRUCTION AND KEEPING IN REPAIR THE PUBLIC ROADS OF WAYNE COUNTY."

*The General Assembly of North Carolina do enact:*

Jury of view. SECTION 1. That chapter three hundred and twenty-five, acts of one thousand nine hundred and nine, be amended as follows: That at the end of section first of said act add "who with the qualified voters and freeholders living in the township where said road is to be located, relocated or changed, shall after three days notice to them in writing, assemble and after being duly sworn, to perform their duties faithfully and conscientiously for the best interest of all the people of the township and county, shall proceed to lay off said road and to make a written report of the same to the board of the county commissioners at their next special or regular meeting: *Provided*, that the said three freeholders shall be appointed by the clerk of the superior court when requested in writing so to do by the board of county commissioners within five days after being so requested."

Proviso: request for appointment.

SEC. 2. This act shall be in full force and effect after ratification. Ratified this the 6th day of March, 1911.

## CHAPTER 656.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND SEVENTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AS TO DISORDERLY CONDUCT IN DUKE, HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and seventy-four of the Public Laws of North Carolina of one thousand nine hundred and three be and it is hereby amended by inserting after the close of section four the following: Conduct declared  
misdemeanor.

“And every person within the territory named in this act committing a breach of the peace or engaging in loud and boisterous cursing or using vulgar and indecent language or engaging in other disorderly conduct shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two dollars nor more than thirty dollars, or imprisoned not more than thirty days.” Punishment.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 657.

AN ACT TO PROVIDE FOR SERVICE OF PROCESS IN CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in the county of Craven, except the Eighth Township, all processes, notices, subpœnas or other mandates issued from any of the courts of Craven County may be served by any bonded officer in the said county, including constables and chief police officers of municipal corporations, whether the said process be directed to them by name or not, and where such processes, notices, subpœnas and mandates may be directed to the sheriff it shall be held and deemed to be directed as well to the other officers hereinbefore referred to, and upon delivering to such said officers they shall serve the same under the same liabilities and penalties as those to which the sheriff is liable and under the same regulations, just as if in the first instance the same had been directed to such officers. Powers of officers.

SEC. 2. That when such process shall come into the hands of the sheriff of Craven County to be served outside of the Eighth Town- Process forwarded  
for service.

ship, if he have no available officer to serve the same, the sheriff is hereby authorized to forward the same to the suitable officer to serve and return.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, 1911.

### CHAPTER 658.

#### AN ACT TAXING DOGS IN MECKLENBURG COUNTY, AND MAKING THEM A SUBJECT OF LARCENY.

*The General Assembly of North Carolina do enact:*

Persons owning dogs to pay license tax.

SECTION 1. That any person or persons owning or keeping a dog shall pay annually a license or privilege tax of one dollar on each dog, male or female. The tax shall be listed at the time and place that personal property is listed.

Tax listed.

Larceny.

SEC. 2. That any person who shall feloniously take, steal or carry away any dog upon which a license tax has been paid, as hereinbefore provided, shall be guilty of larceny.

Payment of tax.

SEC. 3. That said tax shall be paid by persons residing outside of Charlotte Township to the tax collector of the respective districts in which they reside, and by persons residing in Charlotte Township shall be paid to the sheriff of Mecklenburg County, as provided for the payment of other taxes.

Tax to use of school fund.

SEC. 4. The net proceeds from the collection of said tax shall be turned over to the treasurer of Mecklenburg County for the use of the public schools of the various townships of said county; said fund shall be distributed among the public schools of the various townships of said county in proportion to the number of license taxes paid in each township.

Apportionment.

Failure to list dog misdemeanor. Punishment.

SEC. 5. Any person failing to list any dog as required by this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars.

Exemption.

SEC. 6. That the board of county commissioners shall have power to exempt any person on account of poverty or infirmity from the payment of this tax.

Towns excepted.

SEC. 7. That the provisions of this act shall not apply to any incorporated town in said Mecklenburg County wherein a license or privilege tax of one dollar or more is levied on dogs, or the persons owning dogs.

Repeal clause.

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

When act effective.

SEC. 9. That this act shall not take effect unless and until ratified and approved by the board of commissioners of Mecklenburg County at a regular meeting held on or before the first Monday in June, one thousand nine hundred and eleven, and when the same is approved it shall then be in full force and effect.

Ratified this the 6th day of March, 1911.

## CHAPTER 659.

AN ACT TO AUTHORIZE THE DRAINAGE COMMISSIONERS OF LAKE MATTAMUSKEET DRAINAGE DISTRICT IN HYDE COUNTY TO DESIGNATE BANKING DEPOSITORIES FOR THE DEPOSIT OF FUNDS BELONGING TO SAID DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the drainage commissioners of Lake Mattamuskeet Drainage District in Hyde County are hereby authorized and empowered to designate a responsible and suitable banking depository or depositories for the deposit of all money or moneys which may be realized from the sale of the bonds of said drainage district, or received from any other source. Said money to be so deposited shall be held by such banking depositories upon such terms and conditions as may be agreed upon by said commissioners, and shall be paid out and disbursed only upon the check or warrant of the treasurer of Hyde County, to whose credit the said fund shall be deposited. Said treasurer shall place said funds in such bank, banks or trust companies as said drainage commissioners shall direct, and shall comply with any and all agreements made by such commissioners with any such bank, banks or trust companies for the keeping and holding of such fund. The said treasurer shall receive for his services in disbursing said funds the compensation allowed by law. The provisions of this act shall also apply to Bear Swamp Drainage District in Chowan County and the commissioners of said district are empowered and given the same privilege as the commissioners of the Mattamuskeet Dainage District in Hyde County.

Selection of depository.

Terms and conditions.

Checks.

Treasurer to make deposits.

Compensation of treasurer.

Application of act.

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

Ratified this the 6th day of March, 1911.

## CHAPTER 660.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS FOR UNION COUNTY TO SELL AND CONVEY TO THE CITY OF MONROE A PART OF THE COUNTY HOME PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners for Union County are hereby authorized and empowered to sell and convey a certain part of the present county home property to the city of

Sale and conveyance authorized.

## Description.

Monroe in said county; that certain part of said property being lots one to seven, inclusive of block five, and lots one to six, inclusive of block twenty-two; and also the entire block ten as surveyed and platted by Ira B. Mullis, civil engineer, one thousand nine hundred and ten. to which plat reference is hereby made for a full description. The said property being bounded by Lancaster avenue and Griffith street on the west, Elizabeth street on the south, Cemetery street on the east, and Shute property and Lancaster avenue on the north. Block ten being that part of said property upon which the present county home building is situated and the other blocks being adjacent thereto.

## Prices and terms.

SEC. 2. That the said board of county commissioners may sell and convey the said property to the said city of Monroe for the sum of eight thousand dollars, three thousand dollars of which shall be paid in cash upon the delivery of the deed and twenty-five hundred dollars within six months of the delivery of the deed, and the remaining twenty-five hundred dollars in twelve months from the delivery of the deed, the deferred payments to bear interest from September first, one thousand nine hundred and eleven, until paid.

## Purchase authorized.

SEC. 3. That the said city of Monroe is hereby authorized and empowered to purchase said property at the price herein named and upon the terms herein stipulated, for the use of the public schools of said city.

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 this the 6th day of March, 1911.

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**CHAPTER 661.**

**AN ACT TO ESTABLISH STOCK LAW DISTRICT IN LILLINGTON AND UPPER LITTLE RIVER TOWNSHIPS, HARNETT COUNTY.**

*The General Assembly of North Carolina do enact:*

## Stock law territory.

SECTION 1. That the following territory in Lillington and Upper Little River townships is hereby created a stock law territory, to wit: Beginning at Kivett's Bridge over Upper Little River and running along the eastern edge of the Averbosboro and Lillington road to the tram road at the corner of Miss Bettie Pipkin's grove, and running thence with the said tram road crossing the R. A. S. Railroad; thence up the western edge of said railroad to the public road at the corner of J. W. Byrd's fence, just opposite the post-office at Harnett, a station on the R. and S. Railroad; thence up

## Boundary.

the western edge of the public road leading from Harnett station to Lillington to a point at the corner of George McLean's fence at the northern corner; thence the most practicable route to a point just below the residence of Colin McArtan, where the old tram road of B. Vandergrift crossed the Murchison and Lillington road; thence with said tram road, now a neighborhood mill road, the most direct route to a point on another of B. Vandergrift's old tram roads at the gate leading to house now occupied by Henry Stephens, owned by the said Colin McArtan; thence with said last mentioned tram road, crossing the Johnsonville and Lillington road to the McLean old field; thence a neighborhood road by D. C. McLean's estate, W. R. Black and N. A. McLean, to the land line of W. J. Salmon, and with said Salmon's line to McDougald road; thence with line between land of M. W. Hawley and Mrs. M. M. McKay to the Jonesboro and Lillington road; thence the most direct route to T. Thomas's on the Lillington and Northington ferry road; thence up the western edge of said Northington ferry road to the fence of J. S. Bethea, McKay and others; thence with that fence, making the same a stock law fence running around the old Bethea and McKay residences to the Cape Fear River; thence down the various courses of the said river to the mouth of Upper Little River; thence up the various courses of said Upper Little River to the beginning point at Kivett's bridge, making said Little River a lawful fence.

SEC. 2. That section one thousand six hundred and seventy-eight, one thousand six hundred and seventy-nine, one thousand six hundred and eighty, one thousand six hundred and eighty-one, one thousand six hundred and eighty-two, one thousand six hundred and eighty-three, one thousand six hundred and eighty-four, one thousand six hundred and eighty-five and one thousand six hundred and eighty-six, are hereby made applicable and in full force and effect in territory described in section one of this act. Law made applicable to territory.

SEC. 3. That the board of county commissioners at their meeting on March sixth, shall appoint three freeholders, residents of territory described in section one of this act, to be known as "Commissioners of Lillington Stock Law Territory," and said commissioners shall have full authority to purchase all material necessary and have constructed all fences and gates necessary to carry out the provisions of this act; and shall be entitled to receive for their services one dollar and fifty cents per day for time actually engaged in carrying out the provisions of this act, said sum to be paid from funds of said stock law territory as provided by law. Appointment of commissioners.  
Authority and pay.

SEC. 4. That the meeting of the board of commissioners of Harnett County on the first Monday in March, one thousand nine hundred and eleven, said board shall call an election to be held at the court-house in the town of Lillington on Monday, March twentieth, one thousand nine hundred and eleven, and to appoint the necessary County commissioners to call election.  
Date of election.

Election officers. election of officers for holding said election, who shall count and  
 Electors. declare the result, and any legal resident of said territory who was  
 Effect of election. duly registered and qualified to vote in the general election of one  
 thousand nine hundred and ten, shall be entitled to vote in this  
 election. If a majority of ballots cast in said election shall read  
 "For Stock Law," then this act shall be in full force and effect;  
 but if a majority of said ballots shall read "Against Stock Law,"  
 then this act shall be void and of no effect: *Provided*, that if this  
 act shall be ratified by a majority of votes cast at election herein  
 provided for, this act shall operate as a repeal of all that part of  
 chapter of the Public Local Laws of session of one thousand nine  
 hundred and eleven, entitled "An act to enlarge stock law territory  
 in Lillington Township, Harnett County," save and accept the first  
 and last sections of said act, which sections shall remain in full  
 force and effect.

Proviso; law  
 repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act,  
 in so far as they conflict therewith, are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratifi-  
 cation.

Ratified this the 6th day of March, 1911.

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#### CHAPTER 662.

### AN ACT TO ESTABLISH A SANITARY DISTRICT IN THE COUNTY OF BUNCOMBE, TO BE KNOWN AS WEST ASHE- VILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following territory, situate in the county of  
 Buncombe, State of North Carolina, on the west side of the French  
 Broad River, and bounded as follows: Beginning at the junction of  
 the Swannanoa and French Broad rivers; thence up said French  
 Broad River to the mouth of Hominy Creek; thence up Hominy  
 Creek to the mouth of Caney Branch; thence up Caney Branch to a  
 point where the Murphy branch of the Southern Railway crosses  
 the same; thence with the Southern Railway track a northeasterly  
 direction to a point where the old Leicester and Asheville road spans  
 said railway with an overhead bridge; thence with the old Leicester  
 and Asheville road to the road leading into West Asheville Ceme-  
 tery; thence with the east line of West Asheville Cemetery to R. P.  
 Hay's line; thence with the line of R. P. Hay's and Dr. P. B. Orr  
 to Smith's Mill Creek; thence down and with Smith's Mill Creek to  
 the French Broad River; thence with the French Broad River and  
 the corporation line of the city of Asheville to the beginning; shall  
 and the same is hereby designated as a sanitary district, to be  
 known under the name and style of West Asheville.

Territory desig-  
 nated as sanitary  
 district.

Boundary.

Name and style.

SEC. 2. That the chairman of the board of county commissioners of Buncombe County, together with H. A. Brown, B. B. Jones and Z. T. Ledbetter, shall constitute a sanitary board for said district of West Asheville, and said body may choose from its board a chairman; which said board, other than the chairman of the board of county commissioners of Buncombe County, shall reside within said sanitary district of West Asheville, and shall hold their office for a term of two years from the first day of June of the year in which they are elected, or appointed to said office, other than the chairman of the board of county commissioners, who shall be a member of said board by virtue of his office, as chairman of the board of county commissioners of Buncombe County. Said sanitary board shall be known and designated as West Asheville Sanitary Board, and shall have the immediate care and responsibility of the health interest of said sanitary district, and shall make such rules and regulations as in their judgment may be necessary to protect and advance the public health of said sanitary district. Said board may elect a registered physician, not a member of said sanitary board, to serve for one or more years, and may fix his compensation: said sanitary board shall elect a sanitary officer, whose duties shall be to enforce such rules and regulations, or other duties, as in the judgment of said sanitary board may be necessary to protect the health and moral welfare and good government of said sanitary district of West Asheville, and shall fix his compensation.

SEC. 3. That the said sanitary board of West Asheville be and they are hereby authorized to make such rules and regulations as in their judgment will be necessary for the designating and establishing of graveyards and cemeteries, or for discontinuing the use of same within said sanitary district. And said sanitary board are hereby authorized to make such rules and regulations as in their judgment is necessary to regulate closets, hog pens, water supplies, wells, springs and stables, as will subserve the best interest of the public health of said sanitary district. Said sanitary board are further authorized to make rules and regulations for the use of firearms, powder and dynamite or other explosives, in order to protect and regulate the health, comfort and peace of said sanitary district. Said sanitary board of West Asheville is further authorized to make such rules and regulations as in their judgment is necessary in order to suppress crime and lawlessness in said sanitary district. Said sanitary board are authorized and shall have the power to make such rules and regulations, as to the water supply of said sanitary district: The prices to be charged for same, and the inspection of same; the laying of water mains and the extension of same. Said sanitary board are authorized to make such rules and regulations, impose such penalties, and make such requirements of any person or corporation doing business or selling water in said sanitary district, as in their judgment is necessary in order to pro-

Sanitary board.

Chairman.

Residence and term.

Designation.

Powers and duties.

Election and pay of physician.

Sanitary officer.

Graveyard and cemeteries.

Closets, hog-pens, water and stables.

Firearms and explosives.

Crimes and lawlessness.

Water supply.

Regulation of selling water.

tect the inhabitants of said sanitary district or the public health of same.

Railway crossings.

SEC. 4. That said sanitary board of West Asheville are authorized to make such rules and regulations as in their judgment seems right and proper in regard to maintaining crossing of roads or streets in said sanitary district by electric railway companies or steam railway companies; and are authorized to regulate the location and charges of any telephone or telegraph company doing business in said sanitary district, and in conjunction with the board of county commissioners, or any member designated by said board of county commissioners of Buncombe County, said board are authorized

Streets and roads.

to lay out any street or streets, road or roads in said sanitary district of West Asheville, and shall discontinue any street or streets, road or roads in said district, when in their judgment it will be to the best interest of the inhabitants of said sanitary district of West Asheville.

Quarantine.

SEC. 5. That the said sanitary board of West Asheville is authorized to make such rules and regulations as in their judgment may be necessary in order to protect the health and happiness of the residents of West Asheville, and may quarantine against any person or persons from becoming domicile or residents in West Asheville, who may be suffering of a contagious disease. And said board are authorized to make all such other rules and regulations for the protection of said residents against any contagious or infectious disease as in their judgment is necessary to advance the health and welfare of said sanitary district.

Special annual tax.

Rate.

SEC. 6. That said sanitary board of West Asheville shall levy in said sanitary district a special annual tax of not more than fifteen cents on the hundred dollars valuation of property and fifty cents on the poll, which shall be used within said sanitary district for the purpose of paying the salary of said sanitary constable, and for all other purposes in connection with the government of said sanitary district, as in the opinion of said sanitary board shall seem fit and proper; which taxes shall be collected by said sanitary constable as other taxes are collected, and turned over by him to said sanitary board for the use in carrying out the purposes of this act. Said taxes so assessed and collected, and the laws governing the same, shall be under the same laws and regulations as is now provided in the charter of the city of Asheville.

Term of office.

SEC. 7. That the said sanitary board in this act named shall hold their office for a term of two years, from June first, one thousand nine hundred and eleven, until their successors are elected and qualified.

Election officers.

SEC. 8. That the board of county commissioners shall appoint a registrar, and two pollholders on the first Monday in May, preceding the first Tuesday in June of the year in which said sanitary district proposes to hold its election. for its officers, who shall be designated

as the sanitary board of West Asheville, and one sanitary officer, who shall be designated as a sanitary constable; said board of county commissioners shall designate a polling place, and order a registration of such district, and an election shall be held in said district, under the law governing the general election; as near as may be, and the registrar and pollholders shall canvass the vote cast and declare the result; and shall duly certify the returns to the board of county commissioners of Buncombe County, and the same shall be recorded in the records of said board of county commissioners; and the expense of holding such election shall be paid by said sanitary district out of its general funds. The returns of said registrar and pollholders showing the vote so cast, and the person or persons receiving the greatest number of votes cast in said sanitary district for said office or offices shall be declared the person or persons elected to said office: *Provided*, that the term of said officer or officers so selected in said sanitary district shall not be more than two years from date of such election, or until their successors are elected and qualified.

Polling place.

Canvass, return and record of vote.

Expense of election.

Proviso: limit of term.

SEC. 9. That the local sanitary board of West Asheville shall have the supervision of all matters and things pertaining to the welfare, health and comfort of the people living within said sanitary district of West Asheville, and shall take all necessary steps and actions to see that all rules, laws and regulations affecting such district shall be strictly enforced and carried out; said sanitary board are authorized to make such rules and regulations governing said sanitary district as to them seems right and proper for the health and welfare of said district, and shall appoint any and all sanitary officers to secure the enforcement of all such rules and regulations.

Powers of sanitary board.

SEC. 10. That the said sanitary board shall fix compensations or salaries of said sanitary officer, to give bond for the faithful performance of his duty, as required by said sanitary board.

Salary and bond of sanitary officer.

SEC. 11. That the sanitary board of West Asheville, in this act provided, shall have the supervision of all matters and things pertaining to the welfare and comfort of the people living within said sanitary district of West Asheville, and are hereby authorized to make all necessary rules and regulations for that purpose, which to said sanitary board may seem right and proper, and are authorized to secure the enforcement of such laws by imposing fines and penalties, as in such rules and regulations so made and promulgated.

Further powers of board.

SEC. 12. That all penalties assessed against any person or persons, firm or corporation for violating any rules or regulations, so made or promulgated, by said sanitary board shall be paid to said sanitary board, to be used by them, to defray the proper expense or expenses in the government of said sanitary district of West Asheville; and said sanitary board shall fix compensation or salaries of any of its officers and may require any of its officers to make a bond for the faithful performance of its duties as is provided by law.

Penalties to use of board.

Salaries and bonds of officers.

Punishment for violation of regulations.

SEC. 13. Any person convicted of a violation of any of the rules or regulations so made and promulgated by the said sanitary district of West Asheville shall be punished by a fine of not more than twenty-five (\$25) dollars or imprisonment of not more than thirty (30) days.

SEC. 14. This act shall be in force on and after the first Monday in June, nineteen hundred and eleven.

Ratified this the 7th day of March, 1911.

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### CHAPTER 663.

#### AN ACT RELATING TO THE ERECTION, AT LOUISBURG, NORTH CAROLINA, OF A MONUMENT TO THE MEMORY OF THE CONFEDERATE SOLDIERS.

Preamble.

Whereas, the Joseph J. Davis Chapter of the United Daughters of the Confederacy desires the erection of a monument in the town of Louisburg, Franklin County, to perpetuate the memory of the Confederate soldiers who took part in the late Civil War, one thousand eight hundred and sixty-one to one thousand eight hundred and sixty-five, and especially those who enlisted in the service of that sacred cause, from the county of Franklin; and, whereas, the county of Franklin desires to aid in this noble work; now, therefore,

*The General Assembly of North Carolina do enact:*

Appropriation authorized.

SECTION 1. That the board of county commissioners for the county of Franklin, may in their discretion and are hereby fully authorized and empowered to appropriate and pay out of the public funds in the treasury of the county a sum equal to that which may be raised by the Daughters of the Confederacy by private subscription, donation or otherwise, to be used in the erection of said monument, not exceeding, however, the sum of one thousand dollars; the amount appropriated, as above provided for, to be paid to the treasurer of the Daughters of the Confederacy by the treasurer of the county of Franklin upon the order or warrant of said board of county commissioners.

Limit.

Location.

SEC. 2. That the mayor and board of commissioners of the town of Louisburg or the board of commissioners for the county of Franklin may, in their discretion, give to the Daughters of the Confederacy the right and permission to erect said monument on any of the streets or other property belonging to said town or county.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 664.

## AN ACT FOR THE BETTER PROTECTION OF GAME IN CABARRUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter eight hundred and forty, License fees. Public Laws of nineteen hundred and nine, be amended by striking out all after the word "treasurer" in line three down to the word "be" in line four and by inserting in lieu thereof the word "to."

SEC. 2. That section five of chapter eight hundred and forty, Public Laws of nineteen hundred and nine, be amended by striking out the period at the end of said section and adding the following: "and Pay of game warden. shall receive such compensation as said board of commissioners shall prescribe, which shall be paid out of the fund for the enforcement of the game law of Cabarrus County."

SEC. 3. That section twelve of chapter eight hundred and forty, Law extended. Public Laws of one thousand nine hundred and nine, be amended by adding after the word "Graham" the word "Cabarrus."

SEC. 4. That it shall be unlawful for any person to hunt, net, Close season. trap or kill any partridges or quail between the fifteenth day of January and the first day of December of each year. Any person violating the provisions of this act shall be guilty of a misdemeanor Misdemeanor. and upon conviction shall be fined not exceeding fifty dollars or im- Punishment. prisoned not exceeding thirty days.

SEC. 5. That any person owning or keeping a dog, male or female, Taxed dogs subject of larceny. may list the same for taxes at the same time and place other personal property is listed, and pay a license or privilege tax of one dollar each year, and any person who shall feloniously take, steal, and carry away any such dog upon which a license tax has been paid shall be guilty of larceny. That said tax shall be collected as other taxes and turned over by the sheriff to the treasurer of Cabarrus County to be set apart as a fund for the enforcement of the Tax to game fund. game law of Cabarrus County.

SEC. 6. That all laws in conflict with this act are hereby repealed. Repeal.

SEC. 7. That this act shall apply only to Cabarrus County. Application of act.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 665.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, REGULATING THE PAY OF THE COMMISSIONERS OF NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Salaries and  
mileage.

SECTION 1. That on and after the first day of January, one thousand nine hundred and eleven, the following compensation be allowed to the board of commissioners of the county of Nash, to wit, that the chairman of said board be paid three hundred dollars per annum and mileage heretofore fixed by law; that each of the other commissioners be paid the sum of one hundred and fifty dollars per annum and mileage heretofore fixed by law.

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 and effect from and after its ratification.

Ratified this the 7th day of March, 1911.

## CHAPTER 666.

AN ACT TO AUTHORIZE THE TREASURER OF CUMBERLAND COUNTY TO PAY TO THE TREASURER OF HOKE COUNTY FOR THE BENEFIT OF SPECIAL SCHOOL DISTRICT NUMBER SIXTEEN, FOR THE WHITE RACE, IN SEVENTY-FIRST TOWNSHIP, ITS PROPORTIONATE PART OF THE SPECIAL TAX COLLECTED FOR SAID DISTRICT.

*The General Assembly of North Carolina do enact:*

Payment author-  
ized.

SECTION 1. The treasurer of Cumberland County is hereby authorized and directed to pay to the treasurer of Hoke County the amount of the school fund, common and special, which is the proper proportion due for the part of said district lying in Hoke County.

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

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

Ratified this the 7th day of March, 1911.

## CHAPTER 667.

## AN ACT TO AMEND THE GAME LAWS OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seven hundred and twenty-three of the Snipe shooting. Public Laws of one thousand nine hundred and nine, be amended by adding at the end of section one thereof the following: But this act shall not apply to the shooting of snipe during the month of March.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

## CHAPTER 668.

## AN ACT TO AMEND SECTION FOUR OF THE ACT TO REGULATE FISHING AND HUNTING IN BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of the act to regulate fishing and Territory. hunting in Burke County be hereby amended by striking out therein the words "Linville Gorge" and inserting in lieu thereof the words "Beech Bottom," so as to make it read "Linville River above Beech Bottom."

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

Ratified this the 7th day of March, 1911.

## CHAPTER 669.

## AN ACT TO PREVENT HOGS FROM RUNNING AT LARGE IN WRECK DISTRICT NUMBER THREE, DARE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any hogs to run at large Territory. in Wreck District Number Three, Kenykeet Township, Dare County.

SEC. 2. That any person owning hogs, or having them in charge in said district, and willfully allowing them to run at large shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned, in the discretion of the court. Misdemeanor. Punishment.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 670.

AN ACT TO AMEND THE DRAINAGE LAW, CHAPTER FOUR HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, SAID AMENDMENTS BEING APPLICABLE ONLY TO THIRD CREEK DRAINAGE DISTRICT IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and forty-two of the Public Acts of one thousand nine hundred and nine be amended by adding at the end thereof the following:

Compensation of treasurer.

SEC. 2. That the county treasurer of Iredell County shall receive as compensation for all services in receiving, keeping and paying out the moneys belonging to Third Creek drainage district, whether arising from the sale of bonds or from the collection of assessments or other sources, such sum or sums of money, in lieu of his commissions, as may be fixed by the board of drainage commissioners of said district.

Deposit of funds.

SEC. 3. All moneys arising from the sale of bonds of Third Creek drainage district shall be deposited in such banks or bank, and on such terms, as the drainage commissioners of said district and the treasurer of Iredell County may agree upon.

Application of act.

SEC. 4. This act shall apply only to Third Creek drainage district in Iredell County.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 671.

AN ACT TO AMEND THE COMPULSORY EDUCATION LAW FOR THE CITY OF ASHEVILLE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Approval by school committee.

SECTION 1. That section one of chapter six hundred and forty-nine of the Public Laws of North Carolina, session of one thousand nine hundred and five, be amended by adding after the word "parochial" in line four of said section, the following words: "which shall be duly approved by the school committee of the city of Asheville," and by inserting after the word "taught," in line six of said section, the words "by some competent teacher or teachers, whose competency and ability may be determined by the said school committee, by examination or otherwise."

Competence of teachers.

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

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

Ratified this the 7th day of March, 1911.

### CHAPTER 672.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, SAID AMENDMENTS APPLYING ONLY TO ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by adding at the end thereof the following:

SEC. 2. That the board of drainage commissioners of any drainage district that is now, or may hereafter be established in Rowan County, are authorized, at their option, either to let the contract for the drainage work to the lowest responsible bidder, as provided in chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, or to purchase or lease for the said drainage district all necessary dredging and draining machinery, appliances, tools and supplies, and to employ all necessary laborers, engineers, and other help, and to do, or have done, for said district, the work necessary for the drainage of the same.

SEC. 3. That the commissioners of Rowan County are authorized, empowered and directed to remove, replace and rebuild all county bridges which may interfere with the work of cutting any channel in any drainage district in said county.

SEC. 4. That the commissioners of Rowan County are authorized and empowered to purchase for said county one or more complete outfits of drainage machinery, tools and appliances, and may lend or lease or rent the same to any drainage district in Rowan County for such length of time and on such terms as the said commissioners shall deem just.

SEC. 5. Every landowner in each drainage district shall cut and remove from the channel of the ditch or stream, and for a sufficient distance therefrom, so as not to interfere with the operation of the drainage machinery, and the depositing of the earth excavated, all standing timber; and in case he shall fail to do so, after

ten days notice by the drainage commissioners, or any one of them, the drainage commissioners are authorized to have said timber cut and removed, and they shall charge the expenses of the same to said landowner, and the same shall be a lien on the land of said landowner classified in said drainage district.

Expense a lien on land.

Application of act.

SEC. 6. That this act shall apply only to Rowan County.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 673.

#### AN ACT TO REQUIRE THE AUDITOR OF BUNCOMBE COUNTY TO ENTER CERTAIN DEEDS ON TAX ASSESSORS' RECORD.

*The General Assembly of North Carolina do enact:*

Deeds reported to auditor.

SECTION 1. That from and after the thirty-first day of May, one thousand nine hundred and eleven, the register of deeds of Buncombe County shall each day present to the auditor of Buncombe County all deeds which have been filed in his office for registration during the previous twenty-four hours whereby the title to any land situated in the city of Asheville, county of Buncombe, is conveyed in fee, and upon such presentation of any such deed it shall be the duty of the auditor of Buncombe County forthwith to enter such transfer of title upon a record to be kept by him showing the names of the owners and lot numbers of all the real estate in said city of Asheville.

Auditor to enter transfer.

Apportionment of expense.

SEC. 2. That the expense incurred for clerical work or for extra labor required to be performed by said auditor or his deputy for and on account of said registration, and for providing, keeping and maintaining said map or record shall be borne, one-half by the county of Buncombe and one-half by the city of Asheville, the amount of such compensation to be fixed by said board of commissioners.

Repeal clause.

SEC. 3. That all laws inconsistent and in conflict with the provisions of this act are hereby repealed.

When act effective.

SEC. 4. That this act shall be in force and effect from and after the thirty-first day of May, one thousand nine hundred and eleven.

Ratified this the 7th day of March, 1911.

## CHAPTER 674.

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND THIRTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, ENTITLED "AN ACT TO INCREASE THE PAY OF THE COUNTY COMMISSIONERS OF DURHAM COUNTY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter five hundred and thirty-six of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding at the end of said section one and after the word "mileage" the following: "The board of county commissioners of Durham County are authorized and empowered to appoint any member or members of its board to perform special services, and when any member or members of said board are designated by the board to perform specific duties or render such services as shall be designated by the board in regular meeting assembled, such member or members shall be entitled to receive for such service and while acting in such capacity the sum of three dollars per day and mileage: *Provided, however,* that no member or members shall be entitled to compensation for special services for more than three days in any month." Appointment for special services. Pay. Proviso: limit.

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 this the 7th day of March, 1911.

## CHAPTER 675.

AN ACT TO REGULATE THE FISHING FOR RAINBOW TROUT IN CALDWELL AND MITCHELL COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to seine, spear, snare, kill or otherwise take rainbow trout from any watercourse in Caldwell and Mitchell counties, in North Carolina, except with hook and line. Fishing except with hook and line unlawful.

SEC. 2. That it shall be unlawful for any person to catch or take rainbow trout from any watercourse in North Carolina except during the months of May, June, July, August and September, and these months shall be the open season: *Provided,* that this act shall apply only to Caldwell and Mitchell counties. Open season. Proviso: application of act.

SEC. 3. That any person violating this act shall be guilty of a

Misdemeanor.  
Punishment.

misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days.

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

Ratified this the 7th day of March, 1911.

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#### CHAPTER 676.

AN ACT TO APPOINT A JUSTICE OF THE PEACE FOR THE VILLAGE OF TOPTON, IN CHEROKEE COUNTY, AND TO CONFER UPON HIM THE RIGHT TO APPOINT A CONSTABLE WITH POLICE POWERS.

*The General Assembly of North Carolina do enact:*

Justice appointed.

SECTION 1. That G. W. Stepp be and he is hereby appointed a justice of the peace for Valletown Township in Cherokee County for a term of six years, and the said justice shall have the right immediately upon his qualification to appoint a constable, who shall hold for two years and until his successor shall be elected and shall qualify, and who shall give bond and qualify as like officers are required to do, and who is hereby invested with all police powers usually possessed by such officers.

Term.  
Power to appoint constable.  
Term.  
Bond.  
Police powers.

Drunkness, disorderly conduct and profanity forbidden.

SEC. 2. That it shall be unlawful for any person to be publicly drunk, or to be drunk upon any of the public roads within one mile and a half of the village of Topton, in Cherokee County, or to be guilty of any boisterous and disorderly conduct, or to indulge in profane swearing or in obscene or vulgar language in any public place within said territory. And all persons so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.  
Punishment.  
Constable to wear badge.

SEC. 3. That said constable shall, while acting as such, wear a distinctive badge of office.

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

Ratified this the 7th day of March, 1911.

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#### CHAPTER 677.

AN ACT TO PROTECT QUAIL AND WILD TURKEYS IN TRANSYLVANIA COUNTY, AND TO ALLOW NONRESIDENT LANDOWNERS TO HUNT WITHOUT LICENSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to hunt, trap or kill quail or wild turkeys in Transylvania County from the first day of February to the fifteenth day of November in each and every year.

Close season.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Misdemeanor.  
Punishment.

SEC. 3. That it shall be unlawful for nonresidents owning lands in Transylvania County to hunt upon such lands without license. Nonresident  
landowners.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 678.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, RELATING TO BRIDGES IN FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and thirty-six of the Public Laws of one thousand nine hundred and one be amended by adding after the word "county," in line twelve of section one thereof, the following: "All license taxes paid by peddlers in the said county of Franklin shall be turned into the said special bridge fund. Any person who shall carry from place to place in said county any goods, wares or merchandise and offers to sell or barter the same or actually sells or barter the same shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, five hundred dollars; each peddler with horse, ox or mule, with or without vehicle, or with a vehicle propelled by any other power, five hundred dollars; each and every peddler of medicines or drugs, whether on foot or with horse, mule or ox, with or without a vehicle, or with a vehicle propelled by any other power, or having any free or paid exhibitions or attractions upon the streets or in a tent or any other place, for the purpose of receiving trade, five hundred dollars. Every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares or merchandise, shall pay a tax of five hundred dollars, 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 Franklin County for a license, and the board of county commissioners may, in their discretion, issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale books, periodicals, printed music, ice, fuel, fish, vegetables, fruits or any ar-

Peddlers license  
tax to bridge  
fund.  
Peddlers defined.  
Rate of license  
tax.  
Application for  
an issue of license.  
Exceptions.

articles of the farm or dairy or articles of their own individual manufacture, except medicines or drugs. The board of county commissioners shall have power at their discretion to exempt from tax under this section any poor and infirm person, and shall exempt Confederate soldiers, where the tax does not exceed fifty dollars. Any person carrying a wagon, cart or buggy, or traveling on foot 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 to their agents engaged in exchanging woolen goods for wool: *Provided, further*, that this section shall not apply to drummers selling by wholesale and *bona fide* residents who are blind: *Provided, further*, that the license herein referred to does not include the State tax upon peddlers as imposed by the revenue laws of the State, which shall be collected and paid over to the State Treasurer, and nothing in the general revenue laws of the State shall be construed to repeal or modify this act, unless special reference is made thereto. Any person peddling in said county of Franklin without having paid the tax and secured the license required in this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.

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 this the 7th day of March, 1911.

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### CHAPTER 679.

#### 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, ex-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 one thousand nine hundred to one thousand nine hundred and ten, inclusive.

SEC. 2. The authority hereby given to collect the arrears of taxes shall cease and determine on the first day of January, one thousand nine hundred and thirteen. That no person shall be required to pay any of said taxes who will make an affidavit that said taxes have been paid, nor shall any land be sold for such back taxes which is now owned by an innocent purchaser, nor shall the rights of any mortgagee or *cestui que trust* be affected by any such sale of land for taxes.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 680.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-THREE, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND FIVE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ninety-three, Public Law repealed. Laws one thousand nine hundred and five, be and the same is hereby repealed.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 681.

AN ACT TO EMPOWER THE COMMISSIONERS OF MECKLENBURG AND LINCOLN COUNTIES TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE OVER THE CATAWBA RIVER, AT A PLACE BETWEEN BEATTIE'S FORD AND DAVIDSON CREEK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the boards of commissioners of the counties of Lincoln and Mecklenburg are authorized and empowered to expend out of the funds of their respective counties such sums as in their judgment may be proper for the construction of a bridge across the Catawba River, at a place on said river between Beattie's Ford and Davidson Creek. The said boards of commissioners may determine the amount to be contributed by each county to the securing of this bridge, and the said commissioners are allowed and empowered to co-operate upon such agreement between said boards as to the amounts to be contributed by each, and as to the rules and regulations to govern the use of said bridge by the public, and as to the keeping of it in repair and its general supervision, as may seem expedient to the said boards of commissioners.

Expenditure for bridge authorized.

Apportionment of expense.

Agreement by county commissioners.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 682.

AN ACT TO FIX THE SCALE FOR MEASURING TIMBER LOGS BOUGHT OR SOLD IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to buy or sell by, or otherwise use in trading, any other scale of measure for ascertaining the quantity of feet in timber logs than the following scale, viz:

Use of other scale forbidden.



If any person shall neglect or refuse to comply with or in any way violate this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, not less than five nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days: *Provided*, that this act shall not apply to timber logs not embraced in the dimensions specified in said scale: and *Provided, further*, that this act shall not prevent the use of any other scale by special agreement between the parties interested.

Violation of act  
misdemeanor.

Punishment.

Proviso: logs not  
embraced.Proviso: special  
agreement.

SEC. 2. That this act shall apply to Craven, Jones, Onslow and Pamlico counties only.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

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### CHAPTER 683.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND FORTY, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO GAME IN HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twelve of chapter eight hundred and forty, Public Laws one thousand nine hundred and nine, be amended by adding in line two thereof between the words "Beaufort" and "Hyde" the word "Halifax."

Law extended

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

Ratified this 7th day of March, 1911.

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### CHAPTER 684.

AN ACT TO TAX DOGS IN THE COUNTIES OF PITT, MOORE, HOKE AND ROWAN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That after the first day of January, one thousand nine hundred and eleven, an annual license tax of one dollar shall be paid by the owner thereof on each and every male dog over three months old, and a like tax of two dollars shall be paid on each and every female dog over three months old. Such licenses shall be issued in like manner as is prescribed by law for the issuance of licenses under Schedule "B," chapter four hundred and thirty-eight of the Public Laws of one thousand nine hundred and nine, and shall expire at the same time; and all moneys arising therefrom shall be paid into the school fund of the county in which collected.

License tax on  
dogs.

Issue of license.

Tax to school  
fund.

Listing of dogs.

SEC. 2. That it shall be the duty of the owner of each and every dog at the time of listing property for taxation for State and county purposes in each and every year, and in the manner prescribed by law for the listing of personal property for State and county taxation, to file with the list taker a separate schedule, duly subscribed and verified under oath, showing each and every dog owned, together with all data necessary to determine whether or not subject to the license tax herein provided for, and, if so, the amount thereof.

Township list takers to return dogs.

SEC. 3. That it shall be the duty of all township list takers, at the time of making to the board of county commissioners of their respective counties their annual return of property listed for taxation in their respective townships, to make like return of all dogs listed with them in accordance with the provisions of section two of this act, and also, so far as can be ascertained, like return of all dogs in their respective townships not so listed, together with all data necessary to determine their liability to taxation as aforesaid.

Misdemeanor.

SEC. 4. That the violation of any provision of this act shall be a misdemeanor, and any person convicted thereof shall be fined not more than ten dollars, or imprisoned in the county jail for not more than thirty days, with the privilege of working upon the public roads.

Punishment.

Dogs subject of larceny.

SEC. 5. That this act shall not be construed to be in conflict with the provisions of law governing the listing of dogs for taxation, so as to make them the subject of larceny, but shall, on the other hand, entitle them to protection of said act.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 685.

### AN ACT TO VALIDATE THE PRESENT STOCK LAW BOUNDARY FOR CANEY FORK, JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

Boundary.

SECTION 1. That the following boundary, to wit: Beginning with the river stock law boundary at Jack Wike's fence and running with the wire fence to Nathan Long's outside fence, and running on the southeast side of Caney Fork with the fences of Marion Long, Clate Long, Tom Hooper, W. D. Coward, D. D. Davies & Co., J. F. Coward, J. B. Coward, T. K. Parker, D. D. Davies & Co., R. S. Green, J. L. Lovedoll, W. A. Brown, C. B. Zackary, Aaron Hooper, G. T. & J. M. Nicholson, W. H. Hooper, Jackson County Lumber Company, Matt Parker, W. F. Cook, and down the northwest side of Caney Fork with the fences of E. A. Cook, Sam Cook, Jackson

County Lumber Company, Andy Parker, G. T. and J. M. Nicholson, C. B. Zackary, W. A. Brown, G. T. and J. M. Nicholson, W. H. Hooper, Nelson Henson, A. M. Henson, E. M. Coward, R. M. Thompson, Milas Parker, Jonathan Coward, E. Coward, J. R. Stephens, T. H. Hooper, Brag Hooper, L. E. Hooper, Hute Stephens, J. N. Hunter, A. H. and E. M. Hooper, J. H. Middleton, J. D. Zackary, and then joins the fence of the Cullowhee stock law boundary; thence with Cullowhee stock law boundary to the river stock law boundary; thence with the river stock law boundary to the beginning, be declared to be a lawful stock law boundary, the same as if the returns of the election had been duly recorded by the proper officer at Webster. Stock law declared.

SEC. 2. That G. T. Nicholson be and is hereby appointed a stock law commissioner for the above described boundary to fill the place of W. A. Brown, who has failed to qualify. Stock law commissioner.

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

Ratified this the 7th day of March, 1911.

#### CHAPTER 686.

#### AN ACT TO ALLOW CERTAIN VOTERS IN FAISON TOWNSHIP TO VOTE AT WARSAW PRECINCT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all voters living within the territory herein embraced that now vote at Faison's, in Faison's Township, Duplin County, shall hereafter vote at Warsaw precinct, in Warsaw Township, Duplin County: Transfer of voters.

Beginning on the Bowden and Kenansville public road at a point where a road known as the Boyette road enters the same, and runs thence the Boyette road eastwardly by R. W. Boyette's house to the Kenansville and Faison public road; thence northwardly with the said Kenansville and Faison public road to a point where the Swinson road enters the same; thence with the Swinson road by John P. James's house to the run of Goshen; thence down the run of Goshen to the mouth of Nahunga Swamp; thence up the run of Nahunga Swamp to the public road at Cooper's mill; thence the public road northwest to the beginning. Boundary.

SEC. 2. The board of elections of Duplin County shall furnish to the registrar and pollholder of Faison and Warsaw precinct at the next election to be held therein a copy of this act. Copy of act furnished.

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

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

Ratified this the 7th day of March, 1911.

## CHAPTER 687.

## AN ACT TO PROVIDE FOR THE PAYMENT OF SALARY AND EXPENSES OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

- Salary.** SECTION 1. That the salary of the county superintendent of public instruction of Robeson County is hereby fixed at eighteen hundred dollars per annum for his services, to be paid from the general county school fund in equal monthly installments, upon such vouchers as are now required for the disbursement of the general county school fund.
- Payment.**
- Expenses.** SEC. 2. That the said superintendent of public instruction shall be repaid from the general county school fund of Robeson County, in addition to his salary, all money expended by him in payment of his actual necessary traveling expenses incurred while in the discharge of his official duties in connection with said position. He shall prepare and swear to an itemized statement of such expenses and file the same monthly with the county board of education before voucher shall be drawn in payment of said expenses, such voucher to be issued as herein required for the payment of his salary.
- Sworn itemized statements.**
- Repeal clause.** SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
- When act effective.** SEC. 4. That this act shall be in force from and after the first Monday of July, one thousand nine hundred and eleven.  
Ratified this the 7th day of March, 1911.

## CHAPTER 688.

## AN ACT TO ALLOW THE COMMISSIONERS OF HERTFORD COUNTY TO CONTRIBUTE TOWARD THE ERECTION OF THE CONFEDERATE MONUMENT NOW IN COURSE OF ERECTION IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

- Contribution authorized.** SECTION 1. That the board of commissioners of Hertford County may, in their discretion, contribute out of the treasury of said county a sum of money not to exceed one thousand dollars for the purpose of aiding in the erection of a Confederate monument now in course of erection at the county seat of said county.
- Limit.**
- SEC. 2. That this act shall be in force from and after its ratification.  
Ratified this the 7th day of March, 1911.

**CHAPTER 68g.**

AN ACT TO AMEND AN ACT RATIFIED MARCH SECOND, ONE THOUSAND NINE HUNDRED AND ELEVEN, IN REGARD TO BOONVILLE TOWNSHIP ROAD BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act of this General Assembly, ratified March <sup>Time.</sup> second, one thousand nine hundred and eleven, authorizing Boonville Township, Yadkin County, to issue bonds, is hereby amended as follows: Strike out in line eight of section one after the word "years" and before the word "the" the word "after" and insert the following, "or until" in lieu thereof.

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

Ratified this the 7th day of March, 1911.

**CHAPTER 69o.**

AN ACT TO FIX THE COMPENSATION OF THE COMMISSIONERS OF FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the members of the board of commissioners of <sup>Per diem.</sup> Forsyth County shall receive for their services in attending meetings and in transacting the business of the county five dollars per diem for each day's service, not to exceed twenty-five dollars in any one month. No mileage shall be allowed.

SEC. 2. That this act shall be in force from and after its ratification. <sup>No mileage.</sup>

Ratified this the 7th day of March, 1911.

**CHAPTER 69r.**

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF CABARRUS TO SELL THE HOME FOR THE AGED AND INFIRM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Cabarrus County is hereby authorized and empowered, at the discretion of said board, to sell at public or private sale the real property, or any part of same, on which is located the home for the aged and infirm of Cabarrus County, and make a deed in fee simple to the purchaser. <sup>Sale and conveyance authorized.</sup>

Purchase of another tract.

SEC. 2. That in case of the sale of said property the board of commissioners of Cabarrus County is authorized to purchase another tract of land at any place in said county selected by said board, to be used as a home for the aged and infirm, or in case of the sale of only a part of said land, the proceeds derived from said sale shall be used for the improvement of the present home for the aged and infirm.

Sale of part of land.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

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### CHAPTER 692.

#### AN ACT RELATING TO FEES OF OFFICERS IN CERTAIN CASES.

*The General Assembly of North Carolina do enact:*

Half fees when bill ignored.

SECTION 1. Whenever a criminal action or proceeding before a grand jury a true bill is not found, the county shall pay the clerks, sheriffs, constables or officers who serve any process in such criminal action or proceeding one-half their lawful fees only.

Application.

SEC. 2. This act shall apply only to the counties of Columbus, Rockingham and Washington.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

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### CHAPTER 693.

#### AN ACT TO PROHIBIT HUNTING IN ASHEBORO AND CEDAR GROVE TOWNSHIPS, IN RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

Hunting without consent forbidden.

SECTION 1. That it shall be unlawful for any person or persons to hunt, either with gun or guns, or dog or dogs, in Asheboro and Cedar Grove townships, in Randolph County, without first obtaining the written consent of the owner of the lands hunted upon in said township.

Misdemeanor.  
Punishment.

SEC. 2. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and fined not less than five dollars or more than ten, and imprisoned not more than ten days, in the discretion of the court.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 694.

AN ACT SUPPLEMENTAL TO AN ACT TO AMEND HOUSE BILL SEVEN HUNDRED AND FORTY-THREE AND SENATE BILL EIGHT HUNDRED AND THIRTY-THREE, RATIFIED ON THE TWENTY-FIFTH DAY OF FEBRUARY, 1911.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of said act be amended as follows: Fees for service. In line five after the word "stills" and before the word "and" insert the following: "And the regular fees for service of all papers and processes as is now allowed by law except such as are issued from the superior court of Beaufort County."

SEC. 2. That section eight of said act be amended as follows: Appointment and compensation of auditor. In line ten of said section after the word "commissioners" strike out the word "may" and insert in lieu thereof the following: "are hereby empowered to," and in line eleven after the word "county" strike out all of the remainder of said line down to and including the word "and" in line twelve, and in said line after the word "compensation" insert a period and strike out all the remainder of said section.

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

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

Ratified this the 7th day of March, 1911.

## CHAPTER 695.

AN ACT SUPPLEMENTAL TO AN ACT OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND ELEVEN, AUTHORIZING THE ISSUE OF BONDS FOR IMPROVEMENT OF PUBLIC ROADS OF LEE COUNTY, IN JONESBORO TOWNSHIP.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. R. Rosser, W. S. Murchison and W. T. Brooks Roads commissioners for Jonesboro Township. be and they are hereby appointed road commissioners for Jonesboro Township, Lee County, to exercise all the rights and powers of road Rights and powers. commissioners under an act of the General Assembly of one thousand nine hundred and eleven, authorizing the issue of bonds for said township and providing for laying out and improving the roads thereof; and they shall hold their offices until the election of their Term. successors, as provided in said bill, and until the same have qualified.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 696.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO THE ROAD LAW OF CABARRUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend section one of chapter two hundred and one of the Public Laws of one thousand nine hundred and seven, by striking out the period at the end of said section and substituting therefor a colon, followed by the following: "*Provided*, that the board of commissioners of Cabarrus County may allow and pay over to the city of Concord such proportion of said taxes as may be just and right, to be used exclusively for the purpose of improving the streets within the corporate limits of the city of Concord, but nothing herein shall be construed to be compulsory on said board of commissioners."

Proviso: apportionment to Concord.

SEC. 2. Amend section ten of chapter two hundred and one of the Public Laws of one thousand nine hundred and seven, by striking out the period at the end of said section and substituting therefor a colon, followed by the following: "*Provided*, that the board of commissioners of Cabarrus County may, in its discretion, work said convicts on the streets within the corporate limits of the city of Concord."

Proviso: work on streets in Concord.

SEC. 3. Amend chapter two hundred and one of the Public Laws of one thousand nine hundred and seven, by inserting the following, which shall be section four and one-half: "That if in the judgment of the board of commissioners of Cabarrus County, the entire time of the superintendent of roads, as set out in sections three and four of said chapter two hundred and one, shall be unnecessary and the salary mentioned in section two of said chapter shall be too expensive, then said board of commissioners may, in lieu of same, contract with and pay said superintendent of roads by the day and for only such part of his time during his term of office as may be necessary and adequate for the proper supervision of the roads of Cabarrus County."

Contract with road superintendent.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 697.

AN ACT TO AMEND AN ACT TO FIX THE SALARIES OF THE COUNTY OFFICERS OF WAKE COUNTY AND FOR INCREASING THE ROAD FUND AND SCHOOL FUND PASSED AT THE SESSION OF ONE THOUSAND NINE HUNDRED AND ELEVEN, AND RATIFIED ON THE FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND ELEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of an act entitled "An act to fix the salaries of the county officers of Wake County and for increasing the road fund and school fund," ratified the first day of March, one thousand nine hundred and eleven, shall be in full force and effect on and after the first day of April, one thousand nine hundred and eleven. Sections effective  
1st April.

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 this the 7th day of March, 1911.

## CHAPTER 698.

AN ACT TO PROTECT CROPS AND GARDENS FROM FOWLS RUNNING AT LARGE IN CLEVELAND, ROBESON, HOKE AND ROCKINGHAM COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to allow any chickens, turkeys, ducks, geese or other fowls to run at large upon the gardens, crops or other cultivated lands of another person, after being notified in writing to keep such fowls from so trespassing upon the property of another. Allowing fowls to  
run at large  
forbidden.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than five dollars nor imprisoned more than ten days. Misdemeanor.

SEC. 3. That this act shall apply only to Cleveland, Robeson, Hoke and Rockingham counties. Punishment.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 699.

AN ACT TO FIX AND REGULATE CERTAIN OFFICIAL FEES  
IN MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

Register of deeds.

SECTION 1. That section two of chapter eight hundred and twenty-nine of the Public Laws of North Carolina, session one thousand nine hundred and five, be and the same is hereby amended by striking out the word "ninety" in line five of said section, and inserting in lieu thereof the word "seventy-five"; also by striking out the words "one dollar and fifteen" in lines fifteen and sixteen of said section and inserting in lieu thereof the word "ninety"; also by adding at the end of said section the words "and in all cases where the said register shall use records of deeds, deeds of trust or mortgages, upon which are the printed forms in use in said county, he shall pay the extra cost of the printing."

Clerk superior court.

SEC. 2. That section three of said chapter eight hundred and twenty-nine be and the same is hereby amended by striking out the word "twenty" in line sixteen of said section and inserting in lieu thereof the word "ten"; also by striking out the word "fifty" in line sixteen and inserting the word "forty"; also by striking out the period at the end of the last word in said section and inserting in lieu thereof a semi-colon; also by adding at the end of said section the words "auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, one-half of one per cent of the amount on which commissions are allowed to such trustee, for all sums not exceeding five hundred dollars; and for all sums over five hundred dollars, one-tenth of one per cent on such excess; but such fees shall not exceed ten dollars, unless there be a contest, when the clerk shall have one per cent on the excess over five hundred dollars, but in no instance shall his fees exceed fifteen dollars; auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final account of executors; judgment, final, in term time, civil action, seventy-five cents; judgment, final, against each defendant, in criminal action, seventy-five cents; order enlarging time for pleading, and all interlocutory orders, in special proceedings, and civil actions, fifteen cents; recording certificates of incorporation of corporations, two dollars; summons in civil action or special proceeding, including all names therein, seventy-five cents, and for every copy thereof, twenty-five cents, witness ticket including jurat, five cents."

Reduction effective.

SEC. 3. That the reduction in fees of the clerks and registers provided for in this act shall take effect from and after the expiration of the term of office of the present incumbents.

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 this the 7th day of March, 1911.

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CHAPTER 700.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO SELL THE PRESENT HOME FOR THE AGED AND INFIRM AND ESTABLISH A NEW HOME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Moore County are authorized and empowered to purchase said lands and erect such buildings and improvements thereon as they may deem necessary for the proper care and protection of the poor, aged and infirm of said county, and for this purpose they are authorized and empowered to expend such an amount as they may think proper to be paid out of the treasury of said county. Purchase of land and erection of buildings authorized.

SEC. 2. That the said board of commissioners of Moore County are authorized and empowered to sell the lands and buildings now used as the home for the aged and infirm of said county at such price as they may deem proper and pay the moneys received for the same to the treasurer of said county to be expended as provided by law. Sale of land and buildings authorized.

SEC. 3. That all deeds made or executed conveying the lands aforesaid by said board of commissioners of Moore County under the provisions of this act shall be executed and signed in the name of Moore County by the chairman of the board of commissioners of said county, and the execution of any deed in this manner shall be deemed sufficient to convey title to such property. Execution of deeds.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

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CHAPTER 701.

AN ACT TO AMEND CHAPTER THIRTY, PUBLIC LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED AND EIGHT, RELATIVE TO COUNTY AUDITOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend chapter five, Public Laws, Extra Session, one thousand nine hundred and eight, chapter thirty, by adding at the

Proviso: applica-  
tion to Halifax  
County.

end of said section the following: "Provided, this act shall apply to Halifax County, but shall not be mandatory in said county, and shall only be in force and operative in Halifax County whenever the commissioners of said county shall deem the services of an auditor for said county necessary."

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 702.

#### AN ACT TO ENLARGE THE PRESENT STOCK LAW TERRITORY OF PITT COUNTY.

*The General Assembly of North Carolina do enact:*

Boundary line.

SECTION 1. That the following described line shall constitute a part of the boundary line of the stock law territory of Pitt County: Beginning at the stock law gate on the Greenville and New Bern road near Burney's Cross Roads and runs on the east side of said road towards Greenville to Sermon's and Frank Bell's place; thence with the road running by Red Banks church out to the Greenville and Washington road, between J. H. Boyd's place and Major Hill's place; thence down said road towards Washington to the Ricky Moore and the Moore girls' line; thence with their said line to Tar River. And all of the territory west of said boundary line not heretofore included within the stock law territory shall be established and added to and consolidated with the present stock law territory of said county.

When stock law  
effective.

SEC. 2. That on and after January first, one thousand nine hundred and twelve, the territory so becoming a part of the now existing stock law territory of Pitt County shall be subject to all the provisions of the law that now applies or may hereafter apply to the stock law territory of said county.

Repeal clause.

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

When act effective.

SEC. 4. That this law shall be in force and effect from and after the first day of January, one thousand nine hundred and twelve.

Ratified this the 7th day of March, 1911.

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### CHAPTER 703.

#### AN ACT TO REGULATE FISHING IN LUMBER RIVER AND ITS TRIBUTARIES IN THE COUNTY OF ROBESON.

*The General Assembly of North Carolina do enact:*

Close season for  
traps or nets.

SECTION 1. That it shall be unlawful for any person to set any trap or net for the purpose of catching fish in Lumber River or any

of its tributaries in Robeson County between the first day of April and the first day of September in any year.

SEC. 2. That at all times it shall be unlawful for any person to catch or take more than twelve of the fish known as "red breasts" and trout from Lumber River or any of its tributaries in Robeson County, in any one day, whether said fish be caught with hook and line, net, trap or in any other manner. Limit of catch.

SEC. 3. That it shall be unlawful for any person to sell, barter or dispose of for gain, or assist or aid in selling, bartering or disposing of for gain, any of the fish known as "red breasts" and trout which shall have been caught from Lumber River or any of its tributaries in Robeson County within a period of two years from and after the first day of April, one thousand nine hundred and eleven. And if any person shall have or keep in his possession more than twelve such fish it shall be *prima facie* evidence of his having such fish for the purpose of sale or barter within the meaning of this act. Sale forbidden. Possession prima facie evidence.

SEC. 4. 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. Misdemeanor. Punishment.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Repeal clause.

SEC. 6. That this act shall be in force from and after the first day of April, one thousand nine hundred and eleven. When act effective.

Ratified this the 7th day of March, 1911.

#### CHAPTER 704.

### AN ACT TO PROHIBIT THE RUNNING OF MERRY-GO-ROUNDS, SHOOTING GALLERIES, BOWLING ALLEYS AND KINDRED DEVICES ON THE LORD'S DAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm, corporation or association to run or operate on Sunday or the Lord's day any shooting gallery, bowling alley, billiard or pool table, merry-go-round, switch-back or scenic railway, roller coaster or devices of a kindred character for the use or amusement of the public. Acts declared unlawful.

SEC. 2. Any person, firm, corporation or association guilty of violating this act shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars or imprisonment not exceeding thirty days. Misdemeanor. Punishment.

SEC. 3. That this act shall apply only to Mecklenburg County and Carteret County.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 705.

AN ACT TO CONFER POLICE PROTECTION UPON THE RESIDENTS OF THE PREMISES OF THE MAYES MANUFACTURING COMPANY, AND TO MAKE CERTAIN ACTS COMMITTED ON SAID PREMISES MISDEMEANORS.

*The General Assembly of North Carolina do enact :*

Conduct declared unlawful.

SECTION 1. That it shall be unlawful for any person or persons to commit a breach of the peace; to be guilty of disorderly conduct; to be drunk on the streets or roads or in any public place; or to use loud and profane language or loud and obscene language upon the premises and lands of the mill village of the Mayes Manufacturing Company, situated in Gaston County, North Carolina, and in the territory the boundary of which shall be a circle, every point of which shall be one-half mile distant from the center of the grounds occupied by the cotton manufacturing plant, main building, or factory of the said Mayes Manufacturing Company.

Territory.

Duty of sheriff, deputy or constable.

SEC. 2. It shall be the duty of the sheriff or deputy sheriff or constable in Gaston County living and residing at or near premises of the said Mayes Manufacturing Company, or within the territory above prescribed, or such deputy sheriffs as may be appointed by the sheriff of Gaston County for that section of said county in which the mills of the Mayes Manufacturing Company are situated, to suppress all disturbances of the quiet and good order upon said premises and within said territory; to arrest all offenders who violate the State laws and who violate any of the laws herein enacted; and to prevent as far as possible all injury to property in said village; and shall have the rights and powers now given such officers by the laws of the State to summon a sufficient number of men to aid him or them in enforcing the law, and have all other rights and protection now furnished by the laws of the State. That any person arrested by such sheriff or deputy sheriff or constable for any offense, shall, as soon as practicable, be taken before some justice of the peace of said county, when and where such person shall be dealt with as now prescribed by law.

Rights and powers.

Trials.

Powers as policemen.

SEC. 3. Such sheriff or deputy sheriff or constable shall have the same power and authority upon said premises and within said territory as the policemen in incorporated cities and towns in this State have and exercise in said cities and towns.

Badges.

SEC. 4. Such sheriff or deputy sheriff and constable, when on duty upon said premises or within said territory, shall severally wear a metallic shield with the word "policeman" engraved thereon, and the said shield shall when so worn be in plain view, except when such officers are employed as detectives upon said premises or within said territory.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 706.

AN ACT TO AMEND SECTION THREE THOUSAND AND SEVENTY-TWO OF THE REVISAL OF ONE THOUSAND NINE HUNDRED AND FIVE, SO AS TO ABOLISH THE OFFICE OF STANDARD KEEPER FOR CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand and seventy-two of The Law extended. Revisal of one thousand nine hundred and five be amended by adding between the words "Bladen" and "Currituck" in line eleven the word "Cumberland," and by adding at the end of said section a proviso reading: "Provided, that if complaint be made to the board of commissioners of Cumberland County that any person has reason to believe that the weights or measures of any merchant or trader are improper or erroneous, then the said board may appoint some competent person to make an examination of such weights and measures." Proviso: weights and measures tested on complaint.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 707.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, RELATIVE TO DISORDERLY CONDUCT IN COOLEEMEE, DAVIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-four of the Public Laws of North Carolina of one thousand nine hundred and three, be and it is hereby amended by inserting after the close of section four the following: Conduct declared misd. meanor

"And every person within the territory named in this act committing a breach of the peace, or engaged in loud and boisterous cursing, or using vulgar and indecent language, or engaged in other disorderly conduct, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two dollars nor more than ten dollars, or imprisoned not more than ten days. Punishment.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 708.

## AN ACT TO PROVIDE A PUBLIC INSTRUCTOR IN AGRICULTURE IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Employment authorized.

SECTION 1. The board of county commissioners and the board of education of Wake County are hereby authorized and empowered to jointly employ a public instructor in agriculture in Wake County, at a total annual expense not to exceed eighteen hundred dollars.

Expense.

Apportionment of expense.

SEC. 2. The said boards shall have power to apportion the said expense between the general county funds and the public school funds of said county.

Duties.

SEC. 3. It shall be the duty of the said boards to prescribe the duties of said public instructor in agriculture.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 709.

## AN ACT TO AMEND SECTION ONE OF CHAPTER FIVE HUNDRED AND SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, RELATIVE TO THE SALARY OF THE TREASURER OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Salary.

SECTION 1. That chapter five hundred and six of the Public Laws of one thousand nine hundred and one, be amended by striking out of section one (1) of said chapter the following words: "seventeen hundred and fifty dollars per annum" and inserting in lieu thereof the words "two thousand dollars per annum."

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

Ratified this the 7th day of March, 1911.

## CHAPTER 710.

## AN ACT TO COMPEL THE MAINTENANCE OF FISHWAYS OVER DAMS ON THE CATAWBA RIVER.

*The General Assembly of North Carolina do enact:*

Fishways to be built and maintained.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation, to build, have, keep or maintain any dam across the Catawba River between the North and South Carolina line and

the town of Old Fort in McDowell County without first building, providing and maintaining a fishway over said dam. Said fishway to be not less than twelve feet in width and to be built upon the most modern and improved plan for the construction of fishways so as to furnish an easy passage for fish up said stream. Specifications.

SEC. 2. That any person or persons, firm or corporation who shall maintain a dam across said river without providing and keeping constantly open said fishway, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court; and each day that said fishway remains closed, except as hereinafter provided, shall constitute a separate offense: *Provided*, that if said fishway shall be destroyed by freshet, said person or persons, firm or corporation shall have fifteen days from said freshet to build the same. Building dam without fishway misdemeanor. Punishment. Separate offenses. Provide: time for rebuilding.

SEC. 3. That it shall be unlawful for any person to seine, trap or otherwise trap or take fish from said Catawba River within one hundred and fifty feet of said fishway, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Seining and trapping forbidden. Misdemeanor. Punishment.

SEC. 4. That Leath Gordon, of Burke County, be and he is hereby appointed a commissioner to see that said fishways are properly maintained and kept open in said county of Burke for a term of two years, and at the expiration of said term of office, the county commissioners of Burke County shall appoint his successor, who shall serve for two years. The salary of said commissioner shall be fixed by the board of county commissioners; said commissioner shall be paid for the actual time employed in looking after said fishways. Fishway commissioner. Successor. Salary.

SEC. 5. That this act shall apply only to Caldwell, Burke and McDowell counties: *Provided*, that the provisions of this act shall not apply to any dam that may be built at Horsford Shoals or at Lookout Shoals or within one mile of either place. Application of act. Provide: exceptions.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed. Repeal clause.

SEC. 7. That this act shall be in force from and after April first, one thousand nine hundred and eleven. When act effective.

Ratified this the 7th day of March, 1911.

#### CHAPTER 711.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF POLK COUNTY TO APPROPRIATE A SUM NOT EXCEEDING FIFTEEN HUNDRED DOLLARS TO AID IN THE ERECTION OF A MONUMENT IN COLUMBUS IN MEMORY OF THE CONFEDERATE SOLDIERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Polk County be and they are hereby authorized and empowered to appropriate a sum of Appropriation authorized.

money not to exceed fifteen hundred dollars to aid in the erection of a monument in the town of Columbus, in said county, in memory of the Confederate soldiers.

Payment.

SEC. 2. That any sum of money as provided for in section one of this act may be appropriated out of the general county fund, or any other available fund, in the discretion of the said commissioners, and may be furnished and paid by installments annually or otherwise, as said board may deem best.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 712.

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS FOR HERTFORD COUNTY FROM FIVE TO SIX, AND TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO PAY ITS MEMBERS FOR EXTRA SERVICES, AND TO CONTRACT WITH ANY OF ITS MEMBERS IN MATTERS AFFECTING THE COUNTY'S INTEREST, WHEN THE COUNTY MAY BE BENEFITED THEREBY.

*The General Assembly of North Carolina do enact:*

Number increased.

SECTION 1. That the number of county commissioners for Hertford County be increased from five to six members, and E. J. Gerrock be and he is hereby appointed as the additional member of said board of commissioners, and who after taking oath as provided by law, shall be duly inducted into office and shall hold the same until his successor is duly elected at the next general election for county commissioners in said county, and duly qualified.

Additional member.

Appointment and pay for extra service.

SEC. 2. That the board of commissioners of Hertford County may appoint one or more of its members to perform extra services, when the interest of the county can be best subserved thereby, and may pay such appointee or appointees the same per day as is now allowed members of said board for services as members of said board of commissioners.

Contracts with members.

SEC. 3. "That said board of commissioners may contract with any of its members in matters in which their county is concerned, and interested, when the interests of the county can be better subserved thereby: *Provided*, that no commissioner shall vote on his appointment to perform extra services, or the pay therefor, or on any contract made with him by said board.

Proviso: interested member not to vote.

Application of act.

SEC. 4. This act shall apply only to Hertford County.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified this the 7th day of March, 1911.

## CHAPTER 713.

## AN ACT TO CREATE A RECORDER'S COURT FOR THE TOWN OF COOLEEMEE AND JERUSALEM TOWNSHIP AND DEFINE JURISDICTION AND TERRITORY THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a recorder's court is hereby established and created, to be known as the "Recorder's Court for the District of Cooleemee," which shall comprise all of Jerusalem Township, in Davie County. Recorder's court established.

SEC. 2. That said court shall be a court of record, and shall be presided over by an elector of Davie County residing in Jerusalem Township, who shall be a man of good moral character and who shall be known as the "Recorder of the Cooleemee District." Court of record.  
Recorder.

SEC. 3. That John M. Blount be appointed recorder, who shall hold office until the next general election, when his successor shall be elected by the qualified voters of Jerusalem Township, in the same manner and at the same time the county and township officers are elected, and biennially thereafter. Recorder named.  
Term of office.  
Election of successor.

SEC. 4. The said recorder shall receive as full compensation for his services the same fees and in the same manner as is now allowed to justices of the peace, except for trial and judgment the fee shall be two dollars for each trial and judgment, and when there is more than one defendant, one dollar for each additional defendant. Fees of recorder.

SEC. 5. The jurisdiction of said court shall be as follows: Said court to have concurrent jurisdiction with courts of justices of the peace in all criminal offenses committed within Jerusalem Township. The said court shall have exclusive jurisdiction to hear and determine all other criminal offenses committed within said township below the grade of felony, as is now defined by law, and all such offenses committed within said township are hereby declared to be petty misdemeanors: *Provided*, that in all criminal offenses where said court has been given jurisdiction by this act, and no prosecution has been commenced within six months from the commission thereof, the superior court of Davie County may proceed to try same, as though this court did not exist. The said court shall have all the jurisdiction, power and authority as is conferred on justices of the peace by the Constitution and existing laws of North Carolina, and shall have power and authority to sentence any person convicted in said court, for which the punishment is imprisonment, to be confined in the common jail of Davie County, to be worked on the public roads of said county; and any person convicted and punished by a fine may be required to work on said roads for nonpayment of same, at a fair and reasonable wages, to be fixed by the board of county commissioners, until the same is paid in full, together with Jurisdiction.  
Proviso: jurisdiction of superior court.  
Further jurisdiction, power and authority.  
Work in payment of fines.

- Proviso: bond on appeal. the costs, and then to be discharged: *Provided, further*, that in all cases where an appeal is taken to the superior court it shall be the duty of the said recorder to require a reasonable bond, and send same, together with all papers, to the next term of the superior court to be held for the trial of criminal cases in said county, where the trial in all such cases shall be *de novo*.
- Trial on appeal. Seal of court. SEC. 6. The said court shall have a seal with the impression "The Recorder's Court for the District of Cooleemee," which seal shall be used in the attestation of all writs, warrants, summons, or other proceedings, acts, process, judgments or decrees of said court, in the same manner and to the same effect as seals of the other courts of the State.
- Recorder to preside. Docket and record. SEC. 7. The said recorder shall preside and keep a permanent docket and record of all papers, proceedings and processes, which is to be open to public inspection at all times.
- Monthly report and settlement. SEC. 8. The said recorder shall at least one time in each month prepare and transmit a true record of all his official acts to the clerk of the superior court of Davie County, and all fines imposed and collected shall be paid into the treasury of said county on or before the second Tuesday in each month.
- Jury trial. SEC. 9. That in all trials for criminal offenses, upon demand for a jury by the defendant, the said recorder shall draw the same as is now provided in actions before a justice of the peace, and with the same rights and challenges as now exist.
- Vacancy. SEC. 10. That in case of a vacancy in said recorder's office, for any cause, it shall be the duty of the board of county commissioners of Davie County to appoint a recorder for the balance of the unexpired term. And it shall also be the duty of said board of county commissioners to appoint a substitute recorder to act during the sickness, or other inability of the recorder to act; such substitute recorder shall, during the sickness or other inability of the recorder, have all the rights and powers herein given the said recorder, and discharge all of the duties of said recorder herein provided for.
- Substitute recorder. SEC. 11. The recorder shall have power and authority to appoint policemen and constables for Cooleemee and Jerusalem Township whenever he thinks it necessary.
- Policemen and constables. SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 13. That this act shall be in full force and effect from and after its ratification.
- Ratified this the 7th day of March, 1911.

CHAPTER 714.

AN ACT TO VALIDATE CERTAIN PROBATES OF CERTAIN ACTING JUSTICES OF THE PEACE IN NORTHAMPTON COUNTY.

Whereas, certain acting justices of the peace in Northampton County, and especially J. G. Bottoms, who had been duly elected or appointed as justices of the peace in and for said county, while acting as such justices of the peace after their terms of office had expired, or where they had failed to qualify as such justices within the time prescribed by law, did take the acknowledgment and probate of certain deeds, deeds of trust, mortgages and other instruments executed by various persons during the years one thousand nine hundred and nine and one thousand nine hundred and ten; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That all such acknowledgments, examinations and probates of said J. G. Bottoms, and of the other said justices of the peace be and the same are hereby validated, confirmed and made legal, binding and regular. Acknowledgments, examinations and probates validated.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

CHAPTER 715.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MOORE COUNTY TO SELL THE PRESENT HOME FOR THE AGED AND INFIRM AND ESTABLISH A NEW HOME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Moore County are authorized and empowered to purchase such lands and erect such buildings and improvements thereon as they may deem necessary for the proper care and protection of the poor, aged and infirm of said county, and for this purpose they are authorized and empowered to expend such an amount as they may think proper to be paid out of the treasury of said county. Purchase of land and erection of buildings authorized.

SEC. 2. That the said board of commissioners of Moore County are authorized and empowered to sell the lands and buildings now used as the home for the aged and infirm of said county at such price as they may deem proper and pay the moneys received for the same to the treasurer of said county to be expended as provided by law. Sale of land and buildings authorized.

Execution of deeds. SEC. 3. That all deeds made or executed conveying the lands aforesaid by said board of commissioners of Moore County under the provisions of this act shall be executed and signed in the name of Moore County by the chairman of the board of commissioners of said county, and the execution of any deed in this manner shall be deemed sufficient to convey title to such property.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 716.

#### AN ACT TO ENCOURAGE SHEEP HUSBANDRY AND TO TAX DOGS.

*The General Assembly of North Carolina do enact:*

Dogs to be listed for taxation.

SECTION 1. That every person owning or having in his charge one or more dogs, whether residing within the corporate limits of a city, town or incorporated village or not, shall return the same for annual taxation at the time of listing his poll or property for State and county taxation, and shall be taxed for the benefit of the county in which he resides on each and every dog owned or held in charge by him, the sum of two dollars per annum; and, failure upon the part of the owner or custodian to list for taxation his aforesaid dog or dogs shall be a misdemeanor punishable by a fine or imprisonment, or both, at the discretion of the court; and, if the owner or person in charge of said dog or dogs shall fail to pay the aforesaid tax to the sheriff of the county for the use and benefit of the county on or before the first day of September in each and every year, the board of commissioners for the county in which such owner or person in charge of such dog or dogs resides may treat such tax delinquent dog or dogs as a public nuisance and they shall order the destruction thereof by such person or persons as they shall appoint to destroy such dog or dogs: *Provided, however,* that this act shall not apply to what is commonly known as shepherd dogs: *Provided, further,* that this act shall not interfere with the taxation of dogs by cities and towns and incorporated villages as otherwise provided by law.

Dog tax.

Failure to list misdemeanor.

Punishment.

Dogs not paid on destroyed.

Proviso: shepherd dogs.

Proviso: taxation by cities and towns.

Tax to road fund.

Proviso: application of act.

SEC. 2. The revenue arising under this act shall be turned in to the county treasuries, and placed to the credit of the road fund of said county: *Provided,* that this act shall apply only to Durham County.

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

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

Ratified this the 7th day of March, 1911.

### CHAPTER 717.

#### AN ACT TO ENCOURAGE THE DRAINAGE OF LANDS IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of carrying out provisions of this act and to provide for the drainage of the swamps, creeks and other waterways of Robeson County, there shall be and there is hereby created a commission to be known as the "Drainage Commission of Robeson County," to be composed of the following named citizens and taxpayers of Robeson County, namely: J. S. Oliver, J. E. Carlyle, J. A. Singleton, R. G. Rozier and J. S. McRae.

Drainage commission created.

Commissioners named.

SEC. 2. In case of the death or disability of a member of said board, the remaining members shall elect some suitable and competent taxpayer of the county of Robeson to fill the vacancy. The said board hereby appointed shall take the oath of office prescribed for public officers and also oath to faithfully perform the duties imposed by this act, before some person authorized by law to administer oaths; which said oaths shall be filed with clerk of said commission and recorded in the minutes of said commission. The members of said commission as named in this act shall qualify and enter upon the discharge of their duties within twenty (20) days after the ratification of this act; and shall hold office for the term of two (2) years and until their successors are elected and qualified, as provided herein. The members of the General Assembly of North Carolina shall, during the month of February, one thousand nine hundred and thirteen, and bi-ennially thereafter, elect five (5) competent taxpayers of the county of Robeson to constitute said "drainage commission of Robeson County." Members of said commission shall at their first meeting organize by the election of a chairman and a secretary. The members of said commission shall receive as compensation for their services the sum of three dollars (\$3) per day and five cents (5c.) per mile for each mile traveled in going to and returning from the place of the meeting: *Provided, however,* that they shall receive the said per diem for only one meeting in each month. If more than one meeting is held, members of said commission shall receive only the mileage as hereinbefore provided for in going to and returning from said meeting. All expenses of

Vacancies.

Commissioners to qualify.

Time for qualification and term of first members.

Election of successors.

Organization.

Pay of commissioners.

Proviso: limit of per diem.

Expenses of board.

said board, including mileage and per diem of its members, shall be paid for out of the fund hereinafter provided.

Employment of engineer.

SEC. 3. That the said "drainage commission of Robeson County" shall immediately after their qualification proceed to employ a competent and reputable civil engineer or engineers, experienced in the business of laying out and constructing systems of canals and drainways.

Levels and surveys.

SEC. 4. That the engineer or engineers appointed by said commission shall, under the direction and supervision of said commission, make careful levels and surveys of all streams, swamps and natural drains within the county of Robeson, showing the length, depth, width and location of all canals and drainways, which, in the opinion of said engineer or engineers and said commission may be necessary for the proper and effectual drainage of the rivers, creeks, swamps and lowlands of Robeson County. The intention of this act being to make complete plans, surveys and estimates for a system of drainage for said county of Robeson; and to provide main canals or lead drains into which the citizens may open lateral drains and farm ditches, and in this way provide for the ditching and draining of the farm lands, forest and lowlands of the county of Robeson. That the said engineer or engineers shall furnish to the said commission reports and estimates showing the plans, specifications and approximate cost of providing a proper and efficient drainage system for the natural drainways of the county of Robeson; and shall also, as part of said report, file a map or maps showing the location, length, width, depth and approximate cost of constructing, opening, completing and maintaining when same is completed, such canals and drainways as in the opinion of said engineer or engineers and said commission may be necessary for the proper drainage of lands of Robeson County.

Main canals or lead drains.

Reports, estimates and specifications.

Maps.

Minute book.

SEC. 5. That the said "drainage commission of Robeson County" shall provide and keep a minute book in which shall be kept a full and accurate record of its proceedings, and shall also provide a permanent record to be known as "Book of Drainage Reports."

Book of drainage reports.  
Reports of plans, specifications and estimates.

SEC. 6. That after the said drainage commission shall have caused the plans, specifications and estimates of its engineer or engineers to be completed, and after the same have been approved by said commission, it shall make and file a report of same, showing the approximate cost, with the board of commissioners of Robeson County, and also with one of the members of the General Assembly to be elected by the people of North Carolina at the general election held in November, one thousand nine hundred and twelve. Said commission shall also prepare and file as a part of their report an approximate estimate of the benefits which will accrue to the citizens of Robeson County by the construction and maintenance of a system of drainage, and what benefit, if any, shall accrue to the health of the citizens of Robeson County. And also an approximate

Estimate of benefits.

estimate of the amount per acre (which shall be necessary to be made) as an assessment against the various classes of land in Robeson County, for the purpose of constructing, completing and maintaining said system of drainage. And such recommendations as in the opinion of said commission may be necessary and proper for the establishment of said system of drainage. And in order to more effectually carry out the provisions of this act, the said commission is hereby authorized and empowered to do any and all other things necessary or proper to be performed in the furtherance of the duties imposed by this act, whether this authority is specifically conferred by this act or not.

Estimate of cost.

Recommendation

General powers of commission.

SEC. 7. That in making the estimates of the cost of said system of drainage and the probable assessments therefor the said commission shall take into consideration and give proper allowance to any special drainage districts for work done within said districts, so that all work already done within said special drainage districts which may be of benefit, in the general scheme of draining Robeson County, shall accrue to the landowners in such special districts.

Allowance for work heretofore done.

SEC. 8. That for the purpose of providing funds for carrying into effect the provisions of this act, the "drainage commission of Robeson County" hereby created shall on or before the first Monday in May, one thousand nine hundred and eleven, and on the first Monday in May, one thousand nine hundred and twelve, report to the chairman of board of commissioners of Robeson County, in writing, the amount of money that will be necessary in the opinion of the said drainage commission to carry on the work as provided in this act. And requests the said board of commissioners to levy a special tax for the purpose of providing said funds. Upon receipt of said report and request, it shall be the duty of said board of commissioners of Robeson County to levy a special tax not exceeding three (3) cents on every one hundred dollars (\$100) valuation of all real and personal property in Robeson County, and not exceeding nine (9) cents on each taxable poll, for purpose of providing funds to carry out provisions of this act.

Report of cost of work.

Request for special tax.

County commissioners to levy tax.

Tax rate.

SEC. 9. The special tax hereby authorized to be levied shall be collected by the sheriff of Robeson County as all other county taxes and turned over to the treasurer of Robeson County, who shall open an account on his books to be known as the "Drainage Fund."

Collection of tax.

Drainage fund.

SEC. 10. That the proceeds arising from the collection of the taxes levied under provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated for purposes mentioned in this act, and shall be kept and held by the treasurer of Robeson County separate and distinct from all other funds in his hands. And the said treasurer shall be liable officially as well as personally to all the requirements of the law now prescribed for other county funds.

Separate and distinct fund.

Liability of treasurer.

Disbursement of funds.

SEC. 11. That the "drainage commission of Robeson County" is hereby authorized and empowered to disburse all the funds arising from the levy and collection of the taxes hereby authorized, for purpose of carrying out the provisions of this act; and all orders for payment of money out of the said funds shall be drawn by the chairman and attested by the secretary of said "drainage commission of Robeson County," and all orders so drawn shall state upon their face for what purpose same is drawn; and said orders when so drawn and signed shall be paid by the treasurer of Robeson County out of the said "drainage fund."

Orders for payment.

Duties mandatory.

SEC. 12. The duties imposed upon the various persons in this act are hereby declared to be mandatory and not directory.

Repeal clause.

SEC. 13. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Act effective on petition of majority of freeholders.

SEC. 14. This act shall not go into effect until a petition asking for this law signed by a majority of all the freeholders of Robeson County, shall be filed with, accepted and approved by the board of commissioners of Robeson County. Upon the filing of such petition and its acceptance and approval of said board of commissioners, the act and every part thereof shall immediately become effective.

SEC. 15. This act shall be in force from and after its ratification. Ratified this the 7th day of March, 1911.

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## CHAPTER 718.

### AN ACT TO REQUIRE COMPULSORY ATTENDANCE UPON PUBLIC SCHOOLS IN RALEIGH TOWNSHIP, WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Persons in charge of children to enforce attendance on school.

SECTION 1. That every parent, guardian or other person in Raleigh Township having charge or control of a child between the ages of eight and fourteen years, shall cause such child to attend regularly some day school (public, private or parochial), which shall be duly approved by the school committee of Raleigh Township, in which at least the six common school branches of reading, spelling, writing, arithmetic, English and geography are taught by some competent teacher or teachers, whose competency and ability may be terminated by the said school committee by examination or otherwise, not less than nine school months in each calendar year, or shall provide such child at home or elsewhere with such regular daily instruction during the usual school hours as shall be, in the judgment of a court having jurisdiction, substantially equivalent in kind and amount to the instruction given the children of like ages in the public schools of said township.

Or provide home attendance.

SEC. 2. That every parent, guardian or person in said township having charge or control of a child in said township between the ages of eight and fourteen years, shall cause said child to attend some day school as aforesaid: *Provided*, that occasional absence from such attendance by any child between the ages of eight and fourteen years not amounting to two unexcused absences in four consecutive weeks shall not be unlawful.

Person in charge to enforce attendance.

Proviso: occasional absence.

SEC. 3. That any child between the ages of eight and fourteen years may be excused temporarily from complying with the provisions of this act, in whole or in part, if it be shown to the satisfaction of a court having jurisdiction that said parent, guardian or person having charge or control of said child is not able through extreme destitution to provide or obtain in any way proper clothing for said child, or the said child is mentally or physically incapacitated to attend school for the whole period required, or any part thereof, or that the said child has completed the elementary course of study of the public schools of Raleigh Township and has received a certificate of credit therefor, or has completed the equivalent of said course in some other school, the same to be determined by an examination to be given said child by the superintendent of the public schools of Raleigh Township or under his direction.

Excuse from compliance.

SEC. 4. That the school committee of Raleigh Township may, in its discretion, set apart each year a sum not to exceed one per cent of the entire school funds of said township, which it may use in purchasing books and school supplies for indigent children found by said committee to be unable to supply themselves with such books and materials.

Books and supplies for indigent children.

SEC. 5. That the school committee of the said township may appoint and remove at pleasure one or more attendance officers to enforce the provisions of this act, and to do or perform such other work as said committee may elect, and shall fix the compensation and manner of performance of the duties of such attendance officer or officers, and shall pay them from the public school funds of said township for their services; and the attendance officer or officers as aforesaid shall serve written or printed or partly printed and partly written notices upon the parents, guardians or person having charge or control of children as aforesaid, who violate the provisions of this act, that prompt compliance therewith is required; shall when reasonable doubt exists as to the age of any child in the said township, require a properly attested birth certificate or an affidavit stating such child's age, date of birth and physical characteristics; shall have the right to visit and enter any office or factory or business house employing children as aforesaid for the purpose of enforcing the provisions of this act; shall have the right to require a properly attested certificate of attendance of any child or children at any day school; shall have the power to arrest without warrant all truants and non-attendants as aforesaid and place

Attendance officers.

Compensation and duties.

Service of notice on parents and guardians.

Proof of age.

Right of entrance.

Certificate of attendance.

Arrest without warrant.

them in some public school, unless the parents, guardian or person in charge and control of said child, respectively, shall at once place them in some other day school as aforesaid, and shall serve all legal notices and subpoenas of the court and make all required arrests in the cases which they prosecute without further compensation than that paid by the school committee as aforesaid, and shall carry into effect such other regulations as may lawfully be required by the said school committee.

Truant or parental schools.

SEC. 6. That the school committee of Raleigh Township may establish and maintain from the public school funds of said township one or more ungraded truant or parental schools within said township, and may set apart one or more rooms in the public school buildings of said township for that purpose, or may in its discretion purchase land and maintain separate schools within the said township, for children between the ages of eight and fourteen years who are either habitual truants from any day school in which they are enrolled as pupils or from instruction upon which they are lawfully required to attend, or who, while in the attendance of any public school, are incorrigible, vicious or immoral in conduct, or who habitually wander or loiter about the streets or other public places within said township, or who are otherwise irregular in their attendance upon schools, and all such children shall be deemed juvenile disorderly persons, and may by the school committee of said township, through its officers or by a court having jurisdiction thereof, to be assigned to and required to attend such parental or truant school or any such department of the public schools of said township as may be designated as a truant school: *Provided*, that the superintendent of the public school of said township shall have authority, in his discretion, by and with the consent of the school committee, at any time to change any truant from the said truant or parental school to the public schools of said township, and may release such truant on the condition that he attend regularly upon some other such day schools as that hereinbefore mentioned.

Assignment to truant schools.

Proviso: transfer by superintendent.

Persons in charge of children to comply with act.

SEC. 7. That any parent, guardian or person having control of a child between the ages of eight and fourteen years who shall violate any provisions of this act shall be warned as before said, as soon as possible after the beginning of the school term of said township of each year and also at any time thereafter when such violation shall be discovered by the attendance officer herein provided for, to place and keep such child in regular attendance at some day school within three days of the service of a printed or written notice or partly printed or partly written notices of warning, and upon failure to comply with this act after a lapse of three days from the date of service of said notice of warning, said parent, guardian or person having charge or control of said child shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not less than five dollars nor more than twenty-five dol-

Failure a misdemeanor.

Punishment.

lars or be imprisoned for not less than two days and not more than thirty days: *Provided*, that said sentence of fine or imprisonment may be suspended and finally remitted by the court, with or without the payment of cost, at the discretion of the court, if the said child be immediately placed and kept in regular attendance in some day school as aforesaid, and such fact of regular attendance shall be subsequently proven to the satisfaction of the said court by a properly attested certificate of attendance from the superintendent or teacher of such day school: *Provided, further*, that every day any parent, guardian or person shall willfully and unlawfully keep such child from school after the expiration of three days from the service of such notice on such parent, guardian or person having control of such child, shall constitute a separate offense, and shall subject such person or persons to the penalties herein prescribed.

Proviso: suspension or remission of punishment.

Proviso: separate offenses.

SEC. 8. That the school committee of Raleigh Township shall, during the month of August of each year, publish this act in full for ten days in some newspaper published in said township, or shall post notices thereof in ten or more such public places in said township as will in their judgment best give knowledge thereof to the inhabitants of the said township.

Publication of act.

SEC. 9. That no child under fourteen years of age residing within the limits of Raleigh Township shall be employed in any factory, work-shop or mercantile establishment or in any other place or manner during the usual school hours of said township, unless the person employing him shall first procure a certificate from the superintendent of the school said child last attended, stating that such child attended school for such current year for the period required by law, or has been excused from attendance as provided in third section hereof; and it shall be the duty of said superintendent to furnish such certificate upon the application of the parent, guardian or person having control of such child entitled to the same.

Employment of children.

SEC. 10. That every owner, superintendent or officer of any factory, work-house or mercantile establishment, and any other person who shall employ any child under fourteen years of age contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than ten dollars and not more than fifty dollars, or imprisoned for not less than five nor more than thirty days.

Person employing child guilty of misdemeanor.

Punishment.

SEC. 11. That prosecution under this act shall be brought in the name of the State of North Carolina before any justice of the peace or the county of Wake residing in said township or before the police justice of the city of Raleigh, and the fines collected shall be paid to the treasurer of said county and be credited to the permanent school fund of said township.

Prosecution.

Fines to school fund.

SEC. 12. That an accurate record of the ages, residence and attendance of all children shall be kept by the teacher of every school, whether public, private, parochial or tutorial, within Raleigh Town-

Records to be kept by teachers.

Records open to inspection.

Teacher to answer inquiries.

Neglect a misdemeanor.

Punishment.

ship, showing each day (by the year, month, day of the month and day of the week) such attendance and the number of hours in each day thereof, and each teacher upon whose instruction such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such records shall at all times during school hours be open to the attendance officer or other persons duly authorized by the school committee of said township to inspect the same, who may inspect and copy the same; and every teacher shall fully answer all inquiries lawfully made by said school committee, attendance officers or other persons lawfully authorized by the school committee as aforesaid, and a willful neglect or refusal to answer any such inquiry shall be a misdemeanor, and any person upon conviction thereof shall be fined not less than five dollars nor more than thirty dollars or imprisoned for not more than thirty days for each offense.

SEC. 13. That all laws and clauses of laws contrary to this act are hereby repealed.

SEC. 14. This act shall be in force from and after its ratification Ratified this the 7th day of March, 1911.

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## CHAPTER 719.

### AN ACT TO DEFINE POLITICAL PARTIES AND TO REGULATE NOMINATIONS OF CANDIDATES FOR PUBLIC OFFICE IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Political party defined.

SECTION 1. That whenever one hundred or more of the qualified voters of Johnston County shall effect, have or maintain an organization for the purpose of nominating candidates for public offices to be voted for at any election to be held under the laws of the State of North Carolina, the said voters organized as aforesaid shall be and constitute a political party within the meaning of this act.

Rules and regulations for nomination of candidates.

SEC. 2. That it shall be the duty of the chairman, manager or leader, by whatever name designated, of each and every political party in Johnston County, to file with the chairman of the board of elections of said county, on or before the first day of July of the year one thousand nine hundred and twelve, and on the first day of July every two years thereafter, a copy of the rules and regulations prescribed by the said political party for the nomination of candidates for public offices to be voted for at any election to be held in Johnston County at any time within two years next ensuing after the filing of the same: *Provided*, that any alterations or amendments duly made by such political party to such rules and regulations may be filed with the said chairman at any time more than

Proviso: alterations or amendments.

sixty days before the date of such election, and when so filed shall have the same force and effect as if contained in said rules and regulations as originally filed.

SEC. 3. That it shall be the duty of the chairman of the board of elections of Johnston County within twenty days after the filing with him of such rules and regulations or any alterations or amendments of the same, to cause the same to be published in a newspaper of general circulation in Johnston County, and to file a certified copy of the same in the office of the clerk of the superior court of Johnston County; that the said chairman of the board of elections shall file with the board of commissioners of Johnston County an itemized statement, duly certified by him, of all expenses incurred by him in the discharge of the duties imposed by this act, and the said board of county commissioners shall pay the said expenses out of the general fund of Johnston County, and shall, in addition, pay to the said chairman the sum of three dollars for each certified copy of the rules and regulations of the political party filed by him with the clerk of the superior court as herein required. That it shall be the duty of the clerk of the superior court to keep and preserve the certified copy filed with him as part of the records of his office.

Publication of rules and regulations.

Copy filed with clerk.

Statement and payment of expense.

Clerk to preserve copy.

SEC. 4. That such political party shall set forth in its rules and regulations, first, the qualifications required of voters to participate in any convention, mass-meeting, primary election or other meeting of the said political party; second, the method by which voters who possess the qualifications prescribed shall select its candidates for public office, whether by convention of delegates, by mass-meeting, by primary election, or otherwise; third, the rules and regulations which shall govern the nomination of any and all candidates; fourth, the rules and regulations prescribed for ascertaining the result of any convention, mass-meeting, primary election or other means of making nominations.

Details of rules and regulations.

SEC. 5. That when any political party has caused a copy of its rules and regulations to be filed with the chairman of the board of elections, and the same has been published in a newspaper, and a certified copy of same has been filed with the clerk of the superior court as herein required, nominations of candidates for public offices shall be made by such political party in accordance with such rules and regulations, and any person or persons who shall participate in any convention, mass-meeting, primary election, or other method of making such nominations, of any political party, in violation of or contrary to the rules and regulations of said political party, shall be guilty of a misdemeanor, and upon conviction shall be punished, in the discretion of the court: *Provided*, that in any action or prosecution pursuant to the provisions of this act, the certified copy of the rules and regulations filed in the office of the clerk of the superior court shall be the only evidence received of the rules and regulations of any political party within the meaning of this act.

Nominating by other methods a misdemeanor.

Punishment.

Proviso: evidence.

Regulation of primary if designated.

SEC. 6. That if any political party shall in its rules and regulations designate a primary election as the method of nominating its candidates for public offices, or of selecting or instructing delegates from Johnston County to any district or State convention called or to be held by any political party with which the said political party of Johnston County affiliates, for the purpose of nominating candidates for district or State offices to be voted for at any election held in Johnston County, such primary elections shall be held in accordance with the provisions of this act, unless the same or any part of the same are in conflict with any rule or regulation of said political party which has been published in a newspaper as hereinbefore required: *Provided*, that in any primary election held in Johnston County for the selection or instruction of delegates to any district or State convention, the provisions of any primary election law passed by the State of North Carolina shall govern in any matters in which there is a conflict between the said general primary election law and this act.

Proviso: State law predominant.

Supervision of primary.

SEC. 7. That every primary election held in Johnston County for the purposes set out in section six of this act, shall be conducted under the supervision of the chairman, manager or leader and the executive committee of the political party holding the same. That immediately after the date fixed for the holding of such primary election, and before the call for the same has been published, the chairman and members of the executive committee of the political party which is to hold said primary election, shall each take and subscribe an oath that they and each of them will faithfully, impartially and honestly conduct the said primary election according to the provisions of this act, and of the rules and regulations of the political party which they represent; that said oath shall be filed in the office of the clerk of the superior court.

Chairman and executive committee sworn.

Notice of primary.

SEC. 8. That the executive committee of the political party shall cause a notice to be published in some newspaper of general circulation in Johnston County, giving the date on which said primary election will be held, the places at which the voters of the several precincts may vote, the hours between which the polls will be kept open, and such other information to voters as the said committee may deem proper: *Provided*, that the said notice shall be published at least thirty days before the date fixed for holding said primary election.

Proviso: publication of notice.

Announcement of candidacy.

SEC. 9. That every person who wishes to have his name presented at a primary election as a candidate for public office, to be elected only by the qualified voters of Johnston County, shall announce his candidacy by a notice published in some newspaper of general circulation in Johnston County, giving the office for which he wishes to be nominated and stating that he will abide by the result of said primary election, and he shall also at least five days before the date set for holding the said primary election, file with the chairman of

Notice and endorsement of candidacy.

the executive committee a copy of said notice, together with an endorsement of his candidacy signed by at least ten voters, who shall certify that they possess the qualifications required of voters in said primary election; that it shall therefore be the duty of the said chairman to have ballots prepared containing the names of the said candidates in accordance with the rules prescribed for ballots by the political party holding such primary election; that each person who shall file with the chairman the notice aforesaid shall pay to the chairman the sum of five dollars to be used in defraying the expenses of publishing, distributing the ballots and holding the said primary elections; that no person shall be deemed a candidate at said primary election who has failed to comply with the provisions of this section.

SEC. 10. That the executive committee of each political party that shall hold a primary election in Johnston County, shall, at least five days before the date fixed for holding the same, select one registrar and two pollholders for each precinct in said county, who shall be qualified to vote in said primary election: *Provided*, no person shall be selected as a registrar or pollholder if any candidate who has complied with the provisions of this act shall object in writing to his selection; that each registrar and pollholder shall, on the day set for holding the primary election, take and subscribe an oath that he will faithfully, impartially and honestly perform the duties of his office; that the said oath shall be filed with the returns of the said pollholders; that the duties and powers of registrars and pollholders at primary elections shall be the same as those prescribed for registrars and pollholders at elections held under the laws of North Carolina for members of the General Assembly; that vacancies shall be filled in the same manner as vacancies are filled at said election: *Provided*, that no person shall perform the duties or have the powers of registrars or pollholders until he shall have taken and subscribed the oath above prescribed.

SEC. 11. That before any ballots are received at any primary election and immediately before opening the polls, the pollholders shall open each ballot box to be used in such election and exhibit same publicly to show that there are no ballots in such box; they shall then close, lock or seal such box, except the opening to receive the ballots, and shall not again open the same until the close of the election; they shall keep a list of the names of all persons whose ballots are tendered and accepted by them; if any person tendering a ballot shall be challenged by any bystander who has voted at such primary election, for any cause, before receiving the ballot they shall administer to the person challenged an oath that he is duly qualified to vote according to the rules and regulations of the party holding the primary election, that he has not voted before at said election, and that he will abide by the results of said election; that no person who shall take and subscribe the said oath shall be denied the

Ballots.

Contribution to expenses.

Registrar and pollholders.

Proviso: objection by candidate.

Election officers sworn.

Duties and powers.

Vacancies.

Proviso: officers to qualify.

Ballot box opened and exhibited.

Conduct of primary.

Person challenged to be sworn.

- Count of vote and declaration of result. right to vote in said election. That at the close of the election, the registrar and pollholders at each precinct shall proceed at once to open the ballot boxes, count the votes and declare the result; that any candidate or the representative of any candidate present may give notice before the said votes are counted, that he desires the ballots to be preserved, and thereupon it shall be the duty of the registrar and pollholders to preserve said ballots, and after the same have been counted to return each and all of them to the box from which they have been taken, and the said box locked or sealed, shall within twenty-four hours be delivered to the chairman of the executive committee. The registrar and pollholders shall certify the result of the count of the ballots under their hands and seals and shall at once transmit the same to the chairman of the executive committee, who shall give to any candidate requesting the same a copy of said certificate. That the executive committee of the said political party shall meet at the court-house in the town of Smithfield on a day not later than three days after the date on which the said primary election has been held, and shall at such meeting receive the certificates from the several precincts, canvass the same and declare the results of the said primary election in accordance with the rules and regulations prescribed by the political party holding the said primary elections.
- Preservation of ballots.
- Certificate of result.
- Canvass of returns and declaration of result.
- Violation of oath a misdemeanor.
- Punishment.
- False swearing and illegal voting misdemeanor.
- Punishment.
- Electors.
- Fraudulent voting.
- Repeating a misdemeanor.
- SEC. 12. That any chairman, manager or leader by whatsoever name designated, any member of the executive committee of any political party, and any registrar or pollholder at any primary election, who, after taking and subscribing the oaths hereinbefore set out, shall violate the said oath in any respect, shall be guilty of a misdemeanor and upon conviction thereof to be punished, in the discretion of the court.
- SEC. 13. That any voter who shall swear falsely in taking the oath prescribed for persons challenged, or who shall vote knowing at the time that he does not possess the qualifications prescribed by the rules and regulations of the political party holding said primary election, shall be guilty of a misdemeanor and upon conviction shall be punished, in the discretion of the court.
- SEC. 14. That in such primary elections only those persons shall be allowed to vote who are qualified under the rules and regulations of the political party holding such elections, and who are or will be qualified to vote in the election for which candidates are to be nominated; that if any voter having participated in a primary election, precinct or county convention, or mass-meeting of one political party, shall vote or attempt to vote in a primary election held by different political party during the same campaign, he shall be guilty of fraudulent voting and upon conviction he shall be punished, in the discretion of the court; and if any voter having voted once in such primary election shall vote or attempt to vote a second time in the same election, at the same or a different polling

place, he shall be guilty of a misdemeanor and upon conviction he shall be punished, in the discretion of the court.

SEC. 15. That if any person shall attempt to influence the vote of another by the use of intoxicating liquors or by a bribe, or if any person shall accept a bribe for his vote or influence he shall be guilty of a misdemeanor and upon conviction he shall be punished, in the discretion of the court.

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

Ratified this the 7th day of March, 1911.

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CHAPTER 720.

AN ACT TO PLACE THE TREASURER OF HARNETT COUNTY UPON A SALARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Harnett County be and he is hereby placed upon a salary of six hundred dollars.

SEC. 2. That the county commissioners of said county are authorized to pay out of the general county fund the sum of six hundred dollars annually to the treasurer for his services, and the said sum shall constitute the entire pay for said treasurer: *Provided, however,* if said treasurer shall give bond in a bonding company approved by said board of commissioners, then said board shall pay the expenses of said bond.

SEC. 3. That all commissions and emoluments of whatever kind now provided by law as compensation for said treasurer shall be collected by him and placed to credit of general county fund.

SEC. 4. That this act shall be in force from and after June first, one thousand nine hundred and eleven.

Ratified this the 7th day of March, 1911.

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CHAPTER 721.

AN ACT TO AMEND CHAPTER NINE HUNDRED AND THIRTY-NINE, LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in caption of said chapter the word "fifty" be stricken out, and the word "thirty" be substituted therefor. section one by striking out the word "seven" in line five and inserting in lieu thereof the word "eleven," and in line six strike out the word "fifty" and insert the word "thirty" therefor.

Commissioners  
and term.

That section four be amended by striking out the name of W. N. Elder in line four and inserting in lieu thereof the name of C. Redding, and, also in line five strike out the name of J. S. Redding and inserting in lieu thereof the name of D. M. Wellborn; strike out the word "eleven" in line nine and insert in lieu thereof the word "fifteen"; also strike out the word "eleven" in line eleven and insert in lieu thereof the word "fifteen."

Commissions.

Amend section nine by striking out all the words in said section after the word "allowed" in line twenty, and substituting the following in lieu thereof: "one and one-half per cent for disbursing said funds, and the sheriff of the county two per cent for collecting the same."

Annual expendi-  
ture.

That section twenty-one be amended by striking out the word "twenty" in line two and inserting the word "ten" in lieu thereof.

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

Ratified this the 7th day of March, 1911.

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#### CHAPTER 722.

AN ACT TO AMEND CHAPTER NINE HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO SALARIES OF DEPUTY SHERIFFS IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Salary raised.

SECTION 1. That section one of chapter nine hundred and forty-two of the Public Laws of one thousand nine hundred and seven be amended by striking out the word "eighty" in line eight thereof and inserting in lieu thereof the word "ninety."

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

Ratified this the 7th day of March, 1911.

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#### CHAPTER 723.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ESTABLISH A SPECIAL COURT FOR GUILFORD COUNTY WITH CIVIL AND CRIMINAL JURISDICTION, TO BE KNOWN AS GUILFORD COUNTY COURT.

*The General Assembly of North Carolina do enact:*

Guilford County  
Court established.

SECTION 1. That subject to the conditions hereinafter set out an inferior court with civil and criminal jurisdiction as hereinafter prescribed, to be known as Guilford County Court, is hereby created.

SEC. 2. That said court shall have jurisdiction in civil actions and proceedings as follows: Civil jurisdiction.

*First.* Concurrent jurisdiction with justices of the peace in all civil actions, matters and proceedings, including all proceedings ancillary to civil actions, which are now or may hereafter be within the jurisdiction of justices of the peace of Guilford County. Concurrent with justices of the peace.

*Second.* Exclusive original jurisdiction in all civil actions, matters and proceedings, including all proceedings ancillary to civil actions, founded on contract or tort, wherein the superior court of Guilford County now has exclusive original jurisdiction: *Provided,* the sum demanded or the value of the property in controversy shall not exceed one thousand dollars and the title to real estate shall not be in controversy. Original jurisdiction.  
Proviso: limit.

SEC. 3. That said court shall have jurisdiction in criminal actions and proceedings as follows: Criminal jurisdiction.

*First.* Concurrent jurisdiction with justices of the peace in all criminal actions, matters and proceedings arising out of criminal offenses committed within the limits of Guilford County. Concurrent with justices of the peace.

*Second.* Exclusive original and final jurisdiction of all offenses and misdemeanors consisting of violations of the ordinances of the city of Greensboro. Ordinances of Greensboro.

*Third.* Exclusive original and final jurisdiction of all other criminal offenses which are misdemeanors committed within said county of Guilford, as also of embezzlement, larceny of and receiving property not exceeding fifty dollars in value, all of which said offenses are hereby declared to be petty misdemeanors: *Provided,* such jurisdiction shall not exceed to violations of the ordinances of any town or city other than the city of Greensboro or to criminal offenses of which the recorder's court of the city of High Point has jurisdiction: *Provided, further,* that nothing in this act contained shall prevent the superior court of said Guilford County from assuming jurisdiction of any offense whereof exclusive original and final jurisdiction is given to said Guilford County court if within four months after the commission thereof said Guilford County court shall not have proceeded to take official cognizance of such offense: *Provided, further,* that the grand jury at any criminal term of the superior court of said county may make presentments to said Guilford County court in cases of which it has jurisdiction in the manner and under the conditions prescribed for presentments to said superior court. Exclusive jurisdiction.  
Proviso: limit.  
Proviso: jurisdiction of superior court.  
Proviso: presentments by grand jury.

SEC. 4. That in all criminal offenses committed in said Guilford County where final jurisdiction is not given to said court, it shall have jurisdiction and it is hereby fully authorized to examine into the same and, upon probable cause being shown, bind the defendant over to the superior court of Guilford County, or, if the crime charged be capital, to commit him to jail, as now provided by law in courts of the justices of the peace. Jurisdiction as court of committal.

Jurisdiction of forfeitures and penalties.

SEC. 5. That said court shall have jurisdiction to try and determine all actions for the recovery of any forfeited bond made returnable to said court and for the recovery of any penalty imposed by law, together with the power to dispose of the same as now provided by law.

Issue of process.

SEC. 6. That the justices of the peace and the clerk of the superior court of said Guilford County are hereby authorized to issue process, both civil and criminal, and make the same returnable before said Guilford County court for trial. The mayor of any of the incorporated towns of Guilford County may issue warrants and other criminal process and make the same returnable for trial to said Guilford County court. All warrants shall be issued by the clerk of said court, or the prosecuting attorney thereof and made returnable forthwith. Summons and other civil process shall be made returnable in not less than ten nor more than thirty days from the issuance thereof. If one or more of the defendants in any civil action be a nonresident of Guilford County the summons shall be returnable in not less than fifteen nor more than thirty days from the issuance thereof. The precepts and process of said court may be issued to the sheriff or other lawful officer of Guilford County, to any constable thereof, or to the police officers of the city of Greensboro or any incorporated town in Guilford County, in cases in which they are now authorized by law to serve process; and when given under the seal of said court precepts and process may be issued and directed to the sheriff or other lawful officer in any county in the State of North Carolina and be executed anywhere within the bounds of said State. Such officers shall serve process and precepts as now required by law. Service by publication may be made in the cases and under the rules now provided for service by publication in the superior court.

Return of process.

Execution of process.

SEC. 7. That in all actions heard by the justices of the peace and other examining magistrates of Guilford County in respect to any offense whereof said Guilford County court has exclusive original and final jurisdiction, in which probable cause of guilt is found, the person or persons charged shall be bound in a suitable recognizance, with sufficient surety to appear before said Guilford County court for trial on a day specified, and within ten days from such preliminary examination, in default of which said recognizance such person or persons shall be committed to Guilford County jail until trial.

Recognizance to county court.

SEC. 8. That said Guilford County court shall be open at all times for the dispatch of business; and the judge thereof, if the business require, shall hold daily sessions at the court-house, city hall or other suitable place in the city of Greensboro, North Carolina.

Sessions of court.

SEC. 9. That the pleadings in civil cases within the jurisdiction of a justice of the peace may be oral or written, but in all other civil cases the pleadings shall be written. The judge of said court, in his discretion, may require written pleadings in all cases. In all

Pleadings in civil cases.

civil cases where the pleadings are required to be written the complaint shall be filed at least five days before the return day, and the answer shall be filed on or before the day for trial.

SEC. 10. That the judgments of said court may be enforced by execution issued therefrom, and transcripts of the same may be docketed in the superior court of Guilford County and become judgments of the superior court, as now provided for executions and transcripts of judgments from courts of justices of the peace.

Enforcement of judgments.  
Judgments docketed.

SEC. 11. That any person convicted in said court of any offense shall pay all the costs of prosecution and be fined or imprisoned, or both, according to law; and, when the punishment imposed is imprisonment and costs, it shall be lawful for said judge to sentence the defendant to the common jail of Guilford County to be worked on the public roads of said county until such sentence be served.

Costs on conviction.

SEC. 12. That either party to a civil action or the defendant in a criminal action may at the time of joining the issue of fact demand a jury trial, in which event the law relating to trial by jury before justices of the peace shall in all particulars govern, except where such action is a civil action now within the exclusive jurisdiction of the superior court, in which case the jury shall consist of twelve jurors, who shall be chosen as in trials before justices of the peace. And if neither party demand at such a time a jury, he shall be deemed to have waived a trial by jury. In all cases there shall be the right of appeal from the judgment of said court by either party to a civil action and by the defendant in a criminal action to the superior court of Guilford County, and upon such appeal the trial in the superior court shall be *de novo*. Appeals involving only issues and questions of law may be had from said county court to the superior court of Guilford County in the same manner in which appeals are now had from the superior court to the supreme court: *Provided*, that nothing herein shall prevent an appeal from the superior court to the supreme court. Proceedings on appeal, appearance bonds and undertakings to stay execution shall conform to the procedure now obtaining in courts of justices of the peace as far as practical.

Jury trials.

Right of appeal.

Proviso: appeals to supreme court.  
Proceedings on appeal.

SEC. 13. That costs and fees in all actions, civil and criminal in said Guilford County court, shall be charged and shall be payable and collectible as now provided by law: *Provided*, that all fees allowed by law to the respective officers of said court (and this shall include all officers serving process of whatsoever character of said court) shall be paid over to the treasurer of the county of Guilford for the use of said county and to reimburse it for the expense of maintaining said court: and *Provided, further*, that, in addition to the costs taxable in the superior court, two dollars shall be added in each case, civil or criminal, for the trial judge, which shall be paid into the county treasury: *Provided*, that the police officers of the city of Greensboro shall be allowed the same fees as sheriffs and

Costs and fees.

Proviso: costs paid to county.

Proviso: judge's fee.

Proviso: fees of policemen.

- constables, which said fees shall be covered into the treasury of said city: *Provided, further*, the jail fees of any prisoner held in custody by said city of Greensboro shall be taxed as part of the costs, as provided by law, and covered into the treasury of said city:
- Proviso: jail fees. *Provided, further*, the judge of said court shall have full power as to taxing bills of cost and the respective items thereof under the rules of practice obtaining in the superior court in respect to such matters.
- Proviso: taxing costs. SEC. 14. That in all criminal actions other than violations of town ordinances, and of which a justice of the peace has not final jurisdiction and in which the party is convicted and imprisoned or sentenced to the county roads and from whom no costs are collectible, the county shall pay one-half the costs, as now provided by law; but in no case shall the county be liable for any fees or costs for the prosecuting attorney provided for in this act.
- Liability of county for costs. SEC. 15. That all fines collected in said Guilford County court shall be paid into the treasury of Guilford County. The expense of said court, except as otherwise provided, shall be paid monthly by said Guilford County.
- Fines to county treasury. SEC. 16. That N. L. Eure be and he is hereby named and appointed Judge named. judge of said Guilford County court for the term beginning May Term. the first, nineteen hundred and eleven, and ending the first Monday in December, nineteen hundred and thirteen.
- Dockets, files and records. SEC. 17. That there shall be dockets, files and records of all proceedings in said court conforming as nearly as possible to the records of the proceedings in the superior courts; and the clerk of the Clerk of court. superior court of Guilford County shall *ex officio* perform the duties and receive fees in said Guilford County court similar to the duties performed and emoluments received in the superior court, which said fees shall be covered into the treasury of said county.
- Judge. SEC. 18. That said court shall be presided over by a judge, who shall be learned in the law, of good moral character, and who shall be at the time of his election and qualification an elector in and for Election of judge. said Guilford County. Said judge shall be elected by the people of said county at the same time and in the same manner as the sheriff Term of office. of said county is elected. He shall hold office for four years and First full term. until his successor is elected and qualified. His first full term shall begin on the first Monday in December, one thousand nine hundred and thirteen. His appointment for the term between the date when this act goes into effect and the said first Monday in December, one thousand nine hundred and thirteen, shall be as hereinbefore provided. Before entering upon the duties of his office he shall take Oath of office. and subscribe an oath of office, as is now provided by law for judges of the superior court, and shall file the same with the clerk of the superior court of Guilford County, and said clerk shall duly record the same. Said judge shall receive a salary of not less than twelve Salary. hundred nor more than two thousand dollars per year, payable in equal monthly installments by said Guilford County.

SEC. 19. That the said judge shall not by reason of his office be prohibited from practicing the profession of an attorney at law in the courts of the State of North Carolina, except as to matters connected with or growing out of said county court.

Judge may practice law.

SEC. 20. That when said judge is unable to preside over said court on account of sickness, absence or other cause, he shall appoint some other person learned in the law, with the same qualifications as those provided for said judge, to act as substitute judge, with all the powers and duties of the said judge. The compensation of said substitute judge shall be paid by the said judge.

Substitute judge.

Compensation.

SEC. 21. That in addition to the officers above provided, there shall be a prosecuting attorney for said Guilford County court, whose qualifications and term of office shall be the same as provided for the said judge. It shall be the duty of said prosecuting attorney to see that warrants, subpoenas, and other process are issued for the proper apprehension and trial of all violators of the law in said Guilford County in all cases of which said court has jurisdiction, and to represent the State of North Carolina in the trial of all criminal actions brought before said court and faithfully and diligently prosecute the same.

Prosecuting attorney.

Qualifications and term.  
Duty.

SEC. 22. That said prosecuting attorney shall be elected by the board of commissioners of said county, and shall hold office for the same term as said judge. His salary shall be fixed by the county board of commissioners.

Election of prosecuting attorney.

Salary.

SEC. 23. That all cases pending in the superior court, in the courts of justices of the peace or other courts of said Guilford County on the first Monday in May, one thousand nine hundred and eleven, shall be tried in the court where pending, and shall not be transferred to said Guilford County court for trial except by consent of all parties.

Cases pending.

SEC. 24. That the procedure in said Guilford County court, except as hereinbefore provided, shall follow the rules and principles laid down in the chapter on criminal procedure and the chapter on civil procedure in The Revisal of one thousand nine hundred and five and amendments thereto, in so far as such rules and principles may be adapted to the needs and requirements of said court.

Procedure.

SEC. 25. That the first session of said Guilford County court shall be held on the first Monday in May, one thousand nine hundred and eleven, and subsequent sessions shall be held as provided in this act.

First session of court.

SEC. 26. That this act shall not apply to the city of High Point, except as to civil actions, nor in any manner supplant or interfere with the jurisdiction of the existing recorder's court of said city.

City of High Point.

SEC. 27. That the board of county commissioners of said county may, in its discretion, pay to the clerk of the superior court of said county in compensation of the services required under this act such sum as may be deemed just and proper, such compensation in no event to exceed six hundred dollars.

Allowance to clerk.

Law repealed by establishment of court.

SEC. 28. That upon the establishment of said Guilford County court under the provisions and subject to the conditions hereinafter set out, chapter 651 of the Public Laws of one thousand nine hundred and nine shall be *ipso facto* repealed.

When act effective.

SEC. 29. That this act shall take effect from and after the first day of May, one thousand nine hundred and eleven: *Provided*, the board of commissioners of said county of Guilford shall, prior to said day, by a majority vote of all of said commissioners duly recorded on the minutes of said board, order the establishment of the said court hereinbefore provided for and prescribed: *Provided, further*, that said board may in its discretion order the establishment of such court only in so far as criminal jurisdiction is concerned.

Proviso: order establishing court.

Proviso: establishment as criminal court.

Ratified this the 7th day of March, 1911.

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#### CHAPTER 724.

#### AN ACT TO CHANGE THE BOUNDARY LINES OF BANNER AND ELEVATION TOWNSHIPS, JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Dividing line changed.

SECTION 1. That the dividing line between Banner and Elevation townships, Johnston County, be and the same is hereby changed as follows: Beginning at the point where the present township line intersects the lands of Lloyd Surls, and run thence with the northern border line of Lloyd Surls' land as it courses back to the present Banner Township line, so as to make the northern line of Lloyd Surls' land the dividing line between said townships.

Calls.

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

Ratified this the 7th day of March, 1911.

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#### CHAPTER 725.

#### AN ACT TO AMEND GAME LAWS OF CLEVELAND COUNTY, CHAPTER SEVEN HUNDRED AND SIXTY-ONE, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND NINE.

*The General Assembly of North Carolina do enact:*

Sale or shipment forbidden.

SECTION 1. That it shall be unlawful for any person to sell or offer for sale any quail or partridge, or to ship any quail or partridges out of Cleveland County for sale, gift, or otherwise, for a period of three years from the ratification of this act.

SEC. 2. That it shall be unlawful for any person to trap any quail or partridges, or for any hunter to kill more than ten in any one day.

SEC. 3. That any dog duly valued and listed for taxation shall be a subject of larceny as other personal property. Dogs subject of larceny.

SEC. 4. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Punishment.

SEC. 5. That this act shall apply only to Cleveland County. Application of act.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 726.

#### AN ACT TO REGULATE THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF LUMBERTON, ROBE-SON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eleven of chapter three hundred and forty-three of the Private Laws of the General Assembly of North Carolina, session one thousand nine hundred and seven, be amended by adding at the end of said section eleven the following: "That each member of the board of commissioners of the town of Lumberton shall receive as compensation for his services in performing the duties of his office, the sum of one dollar and fifty cents for his services for attending the meetings of the mayor and board of commissioners on and after the first Tuesday in May, one thousand nine hundred and eleven: *Provided*, no compensation shall be allowed any member of the board for his services for attending any call meeting of the mayor and board of commissioners of said town." Pay of commissioners. Proviso: no pay for called meetings.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 727.

#### AN ACT TO PROTECT GAME AND FISH IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person in Buncombe County to catch, take, or destroy in any manner any mountain or rainbow trout except from the first day of April to the first day of Open season for trout.

Limit of size and number.

October of each year; and no person shall at any time take, catch, kill or destroy any mountain trout less than six inches in length, or take more than twenty-five in number of each on any one day.

Punishment.

Any person convicted of violating this act shall be fined not exceeding ten dollars.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 728.

#### AN ACT FOR THE RELIEF OF THE CONFEDERATE SOLDIERS AND WIDOWS OF CONFEDERATE SOLDIERS OF ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Allowance for care and maintenance.

SECTION 1. The board of commissioners of Rockingham County is hereby authorized, empowered and directed to make such allowance out of the general county funds of Rockingham County to all indigent Confederate soldiers and to all indigent widows of Confederate soldiers, whose marriage occurred prior to January first, one thousand eight hundred and sixty-eight, as will be necessary for their proper care and maintenance in such manner and in such way, and at some place other than the home for the aged and infirm, commonly known as the county home.

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

Ratified this the 7th day of March, 1911.

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### CHAPTER 729.

#### AN ACT TO AMEND THE CHARTER OF THE AMERICAN WAREHOUSE COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the American Warehouse Company, a corporation organized under the laws of this State, with its principal office at Spray, in Rockingham County, be and the same hereby is amended, by adding to the powers of the said company the following:

Power to guarantee dividends.

“And said company shall have the power to guarantee the payment of dividends upon the shares of stock and interest upon the bonds, either or both, of any other corporation upon such terms and

conditions and for such compensation as may be mutually agreed upon.”

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

Ratified this the 7th day of March, 1911.

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CHAPTER 730.

AN ACT TO PREVENT THE ESTABLISHMENT AND MAINTENANCE OF SOCIAL DRINKING CLUBS IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who shall directly or indirectly keep or maintain by himself or by association with others, or who shall in any manner aid, assist or abet in keeping or maintaining a club room or other place where 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 and shall be fined or imprisoned, or both, in the discretion of the court. Acts declared misdemeanor.  
Punishment.

SEC. 2. That this act shall apply only to the county of Union. Application of act.

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

Ratified this the 7th day of March, 1911.

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CHAPTER 731.

AN ACT TO FIX SALARIES FOR THE PUBLIC OFFICERS OF LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. All fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff of Lenoir County by virtue of his office shall be faithfully collected by him and turned over to the treasurer of said county, to be disposed of as hereinafter provided. Sheriff to collect and pay over fees.

SEC. 2. That said sheriff shall receive a salary of thirty-five hundred dollars per annum in lieu of all other compensation whatsoever. Salary of sheriff.

SEC. 3. That said sheriff shall appoint a jailer, who shall be immediately under the supervision of said sheriff, and who shall receive a salary of not more than forty dollars per month, which amount shall be allowed in addition to the amount mentioned in section two of this act. Appointment and salary of jailer.

Clerk of superior court and register of deeds to collect and account for fees.

SEC. 4. The clerk of the superior court and register of deeds of said county shall faithfully collect and account for and turn over to the treasurer of said county, to be disposed of as hereinafter provided, all fees, commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office.

Salary of clerk.

SEC. 5. The clerk of the superior court shall receive a salary of three thousand dollars per annum in lieu of all other compensation whatsoever.

Salary of register.

SEC. 6. That the register of deeds shall receive a salary of twenty-five hundred dollars per annum in lieu of all other compensation whatsoever.

Salary of treasurer.

SEC. 7. That the treasurer of Lenoir County shall receive a salary of fourteen hundred dollars per annum in lieu of all other compensation whatsoever.

Officers to perform duties.

SEC. 8. The officers hereinbefore mentioned shall faithfully perform all the duties of their several offices imposed upon them by law, and shall receive no other compensation or allowance whatsoever for any extra or additional service rendered to the county or State or governmental agencies, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

Separate and distinct fund.

SEC. 9. All the moneys coming into the hands of the treasurer of Lenoir County shall be held by him as a separate and distinct fund for the benefit of the county of Lenoir, to be used by the said county commissioners as other county funds.

Payments.

SEC. 10. The salaries and allowances herein provided for shall be paid by the treasurer of said county upon warrants as required by law to the officers in monthly installments: *Provided*, that the allowances may be paid in warrants of irregular size according to the needs of the various officers, but shall never exceed the amount herein provided.

Proviso: warrants for allowances.

Monthly settlements.

SEC. 11. The officers hereinbefore required to turn over to the treasurer of Lenoir County moneys coming into their hands shall make settlement with said treasurer during the first week of every month, and the county commissioners may at any time require said officers, or any of them, to exhibit to them all books and accounts showing all moneys received and turned over to the treasurer under the provisions of this act.

Exhibit of books and accounts.

Failure to collect fee a misdemeanor.

SEC. 12. Any officer herein mentioned who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office, shall be guilty of a misdemeanor.

Accountants.

SEC. 13. The board of county commissioners for Lenoir County shall have the power to appoint some proper and efficient accountant or accountants to examine the books of each officer of said county semi-annually and make a full and complete report thereof, and shall carry the same forward to a book to be kept for said reports as a

permanent record of said county; said accountant or accountants shall receive as compensation therefor such amounts as the county commissioners may deem proper. Permanent records.  
Compensation of accountants.

SEC. 14. In consideration of the services performed by the chairman of the board of county commissioners of Lenoir County he shall receive such compensation as said board of commissioners may allow him, not exceeding two hundred dollars per annum, in addition to the compensation now prescribed by law, payable when the board of county commissioners of said county may issue warrants therefor. Allowance to chairman of county commissioners.

SEC. 15. All laws and parts of laws in conflict herewith are hereby repealed. Repeal clause.

SEC. 16. That this act shall be in force and effect on and after the first Monday in December, one thousand nine hundred and eleven. When act effective.  
Ratified this the 7th day of March, 1911.

#### CHAPTER 732.

### AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO PROVIDE FOR A NEW CROSS INDEX TO JUDGMENTS.

Whereas, the cross index (or reverse index) to judgments in the office of the clerk of the superior court of Mecklenburg County is in bad repair and portions thereof are liable to become lost or destroyed, and said index is not now fit for convenient use by the public; now, Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Mecklenburg County are hereby authorized and empowered to provide a new cross index to judgments for the clerk of the superior court's office in said county and for the re-copying and transcribing from the old index on to the new one; the work to be done by or under the direction of said clerk of the superior court—the whole to cost not exceeding the sum of two hundred dollars, which amount, or so much thereof as shall be required, the said board of county commissioners is hereby authorized and empowered to pay for said record and work—a warrant for the same to be drawn by the clerk of said board on and against the treasurer of Mecklenburg County, who shall honor the same. New cross index to be provided.  
Direction of work.  
Limit of cost.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 733.

AN ACT TO REPEAL HOUSE BILL ONE THOUSAND THREE HUNDRED AND THIRTY-THREE, SENATE BILL ONE THOUSAND FOUR HUNDRED AND FORTY-NINE, ENTITLED "AN ACT TO PROVIDE FOR COMPULSORY SCHOOL ATTENDANCE IN RANDOLPH COUNTY."

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That House bill one thousand three hundred and thirty-three, Senate bill one thousand four hundred and forty-nine, ratified March the fourth, one thousand nine hundred and eleven, entitled "An act to provide for compulsory school attendance in Randolph County," be and the same is hereby repealed.

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

Ratified this the 7th day of March, 1911.

## CHAPTER 734.

AN ACT FOR THE RELIEF OF B. C. PEARCE, FORMER TREASURER OF LEE COUNTY.

Preamble.

That, whereas, B. C. Pearce, former treasurer of Lee County, failed to keep separate the funds coming into his hands, and that by reason thereof the school funds and other funds of said county appear to have received a greater amount than they should:

*The General Assembly of North Carolina do enact:*

Powers of finance committee.

SECTION 1. That the finance committee of Lee County be and hereby is authorized to ascertain and fix the amount due each fund from the moneys coming into the hands of B. C. Pearce, treasurer, and fix the amount that has been overpaid any fund, and apportion to other funds such amount overpaid. That upon the filing in writing of the reports and findings of the finance committee, the sums therein found and declared due, any fund shall become payable to said fund; and it is made the duty of the officers having charge of the funds to which any overpayment has been made to pay the same to the treasurer to be credited to the fund or funds to which they are declared to be due: *Provided*, that payments from the school fund shall be made in such sum or sums and at such time or times as shall not reduce the school terms in said county to less than four months.

Overpayments refunded.

Proviso: payments from school fund.

SEC. 2. 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 this the 8th day of March, 1911.

### CHAPTER 735.

#### AN ACT RELATING TO THE PUBLIC ROADS AND HIGHWAYS OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in addition to the methods now provided by law for the laying out, construction, grading, improving, working and maintaining the public roads and highways of Cumberland County, the board of commissioners of said county may, if they deem it advisable and for the best interests of said county, have said roads worked by contract, in which event said commissioners shall let the contract therefor to the lowest responsible bidder, who shall give a good and sufficient bond for the performance of said contract, to be approved by the board of county commissioners.

Roads may be let to contractor.

Bond of contractor.

SEC. 2. In the event said work shall be done by contract as aforesaid, it shall be lawful for the board of commissioners of said county to hire or lease the convicts who may be sentenced to work upon the public roads of said county, to responsible contractors, who may contract for the laying out, building, grading, improving, working and maintaining the public roads and highways of said county, upon such terms and conditions as the said commissioners may deem reasonable and just: *Provided*, that such leasing or hiring shall not deprive the county commissioners of the right and duty of protecting said convicts from maltreatment.

Lease of convict force.

Proviso: protection of convicts.

SEC. 3. Said commissioners may likewise in such event use the road funds of said county in meeting payments due on any such contract for the laying out, construction, grading, improving and working any of the public roads or highways of said county.

Use of road funds.

SEC. 4. That the road supervisors of each township, through its chairman and secretary, shall submit a written report to the board of commissioners of said county on the first Monday in January, April, July and October of each year, showing the number and mileage of public roads in said township; the number of hands liable to road duty in said township; the number of hands performing work on said roads; the number of days worked by each hand for the three months prior to the date of report, and present condition of each public road or highway in said township. Also the number and mileage of "good roads" in said township; date when same

Quarterly reports.

was turned over to the township supervisors; number of hands liable to work on same; number of hands actually working on same; number of days said hands have worked the same for the three months prior to date of report, and present condition of same, together with such further information respecting said highways and public roads as the board of county commissioners may require. Blanks for making such reports shall be prepared by said board of commissioners, at the expense of the county, and furnished to each township board of supervisors in the county. Any supervisor willfully failing to comply with this section shall be guilty of a misdemeanor, and upon conviction punished, in the discretion of the court.

Blanks.

Failure  
misdemeanor.

Punishment.

Special  
township tax.

Rate.

Purpose.

Election to be  
ordered.Law governing  
election.

New registration.

Notice of  
registration and  
election.

Ballots.

Returns of election.

Canvass.

Effect of election.

SEC. 5. That any township in said county wishing to do so, may levy a special township tax, not to exceed twenty-five cents on property and seventy-five cents on polls, observing the constitutional equation, the amount of said tax to be such as the board of county commissioners may decide after consultation with the taxpayers of such township, for the purpose of laying out, building, grading, improving, working and maintaining in good condition the public roads and highways of said township. Upon petition of one-fifth (1-5) of the qualified voters of any township, the board of county commissioners shall proceed to submit the question to the qualified voters of said township, and make all necessary orders for the holding of said election. Said election shall be held under the same rules and regulations governing the election of members of the General Assembly, or as near as may be. A new registration shall be had, and notice of said registration and election shall be published at least twenty days prior thereto in some newspaper published in said county, and a similar notice shall be posted at the court-house door of the county and at least three public places in said township. Those favoring such tax shall vote a ballot on which is written or printed the words "For Special Township Tax," and those opposed will vote a ballot on which is written or printed the words "Against Special Township Tax."

SEC. 6. The registrar and judges appointed to hold said election shall make and certify their return to the next regular meeting of the board of county commissioners following said election, or at a special meeting of said board, who shall proceed to canvass the same and declare the result thereof. If a majority of the votes cast in said election shall be in favor of said tax, it shall be the duty of said board to levy a special tax on all taxable property and polls and all other subjects of taxation in said township, at such rate as may be fixed by said board as hereinbefore provided, as and at the time other taxes are levied by said board; which tax shall be collected by the sheriff and paid over to the treasurer of Cumberland County, as other taxes are collected and paid over, and subject to the same laws governing the collection and paying over of other taxes.

SEC. 7. Said taxes shall be kept separate and apart from all other public funds by the county treasurer, who shall keep an account of same, and give bond for same, in such sum as the county commissioners may require; and shall be used exclusively for the benefit of the public roads of the township voting the same, under the direction of the board of county commissioners and township road supervisors or township road committee, as the case may be.

Taxes kept separate.  
Separate account.  
Bond.  
Specific appropriation.

SEC. 8. That at the election herein provided for, and at each general election in the township thereafter, the voters of said township may, if they so desire, elect three freeholders residing in said township as a township road committee, which committee, if chosen, shall supersede the road supervisors of said township, and shall act with the county commissioners in expending said special tax funds and looking after the public roads and highways of said township.

Election of road committee.

SEC. 9. That no person residing in any township of said county which may vote and pay a special township tax as herein provided, shall be required to work the public roads of said township.

Road duty abolished.

SEC. 10. That in ordering general road work to be done in said county, the board of county commissioners are hereby authorized, in their discretion, to give preference to those townships which maintain their roads and highways in the best condition, and to those townships voting a special tax as herein provided.

Preference in work.

SEC. 11. That in any township of said county voting in favor of a special tax as herein provided, the question of continuing such levy shall be submitted to the qualified voters of such township at each general election succeeding such special election, if one-fifth of the qualified voters of said township shall so petition, under the same form of ballot as in this act provided; and if at any such election a majority of the votes cast shall be against said tax, the county commissioners shall cease levying the same; and thereupon, the road laws applicable to said township prior to the voting of said tax, and then existing, shall be in full force and effect: *Provided*, that nothing herein shall prevent said township from again petitioning for a special election on said question at any time thereafter, as before.

Election on continuing tax.

Effect of vote against tax.

Proviso: further special election.

SEC. 12. That for the purpose of raising sufficient revenue for the immediate improvement of its public roads and highways, and, if deemed advisable, for the construction of durable bridges therein, any township in Cumberland County may also vote at any time as hereinafter provided upon the question of issuing township bonds.

Election on bond issue.

SEC. 13. Said bonds shall be known as "Township Improvement Bonds of . . . . . Township." When issued they shall be in denominations of from one hundred to one thousand dollars, as said board of county commissioners may determine; they shall bear such date and run for such time as said board of commissioners may decide; they shall be signed by the chairman and clerk of said board

Designation of bonds.

Denominations.

Maturity.

- Authentication. and duly attested by the official seal of the county; they shall be consecutively numbered, shall bear interest not exceeding five per cent per annum, and shall express on their face the purpose for which they are issued and when and where payable. But said commissioners may, if they deem best, provide in said bonds that all or any part thereof, in lots of not less than five hundred (\$500) dollars may, upon proper notice, be paid in full with accrued interest at the time of payment, at any time after ten years from the date of issue; the bond or bonds to be called in to be decided by lot, and the interest on all bonds so called shall cease from the date of payment fixed in such call. Interest coupons shall be attached thereto, numbered to correspond with said bonds, payable semi-annually on the dates to be fixed by the county commissioners, and shall bear fac-simile signatures of the clerk of the board.
- Interest.
- Bonds subject to call.
- Coupons.
- Sale of bonds. SEC. 14. Said commissioners may sell all of said bonds or any part thereof, from time to time at private or public sale, with or without notice, as funds may be required for the purpose aforesaid, in the discretion of said board and the township road supervisors of the township road committee, as the case may be; but none of said bonds shall be sold for less than their face value, with accrued interest at the date of sale.
- Sale below par forbidden.
- Record. SEC. 15. That the county treasurer shall keep a complete record of such bonds, showing the date and amount of each, when and to whom issued and sold, and the amount received from the sale of each.
- Election on bond issue ordered. SEC. 16. That upon a petition of one-fifth of the qualified voters of any such township, the county commissioners shall order an election in said township to determine the question of issuing said bonds under the same rules and regulations, substantially, as herein provided for holding special township elections, at which election those favoring township bonds shall vote a ballot on which is printed or written the words "For Township Improvement Bonds," and those opposed a ballot on which is printed or written the words "Against Township Improvement Bonds." If a majority of the votes cast in said election shall be in favor of said bonds, the board of county commissioners shall proceed to issue and sell said bonds as hereinbefore provided and turn over the proceeds of said sale to the county treasurer, who shall keep said funds separate from all other public funds in his hands, and who shall keep an account of same, and give bond therefor in such sum as the board of commissioners may require. The county treasurer shall receive as fees not exceeding one-half of one per cent on receipts and one-half of one per cent on disbursements of all such funds, to be fixed by the county commissioners.
- Ballots.
- Bond issue.
- Proceeds to treasurer.
- Separate fund and accounts.
- Bond.
- Fees of treasurer.
- Tax for interest, sinking fund and roads. SEC. 17. The board of county commissioners shall levy an annual tax upon all taxable property and polls in such township voting said bonds, sufficient to pay the interest thereon and to create a sinking fund for the retirement of said bonds at maturity, and, if the town-

ship authorities shall so agree, sufficient to keep said roads in good repair; said tax in no event to exceed thirty (30) cents on property and ninety (90) cents on poll, observing the constitutional equation and requirements; said tax to be collected and paid over in the usual course, and by the usual method, under the same laws and penalties governing the collection and paying over of taxes generally.

Limit of rate.  
Constitutional equation.

SEC. 18. That it shall be the duty of the sinking fund committee of Cumberland County to see that the provisions of this act are complied with as to any bonds voted by authority hereof and issued in pursuance of said vote, and to safely invest the sinking fund provided for herein, as required by chapter three hundred and sixteen, Public Laws of North Carolina, session of one thousand nine hundred and nine.

Sinking fund committee.

Investment of sinking fund.

SEC. 19. That if the said board of commissioners shall fail or refuse to provide for the payment of said interest and for the creation and maintenance of said sinking fund, as hereinbefore provided, or if said board of commissioners or any other public officer of Cumberland County shall apply the funds belonging to said sinking fund to any other purpose than provided for in this act, they or either of them shall be guilty of a misdemeanor, and upon conviction shall be punished, in the discretion of the court. The sinking fund committee shall include a report of the condition of the sinking fund of any bonds issued under authority of this act, in their annual reports to the board of county commissioners as now required by law.

Conduct by officers declared misdemeanor.

Punishment.  
Report of sinking fund.

SEC. 20. That the proceeds of said bond sale shall be used exclusively in laying out, building, grading, improving, working and maintaining the public roads and highways of said township; and, if there shall be a sufficiency of funds therefor, and the township authorities (the road supervisors or township road committee, as the case may be) so recommend, in constructing iron, steel, concrete or other durable bridges in said township; and the special annual repair tax, if voted, shall be used to keep up the necessary repairs on said roads in order to keep them in good condition; all of said work and improvements to be done under the joint direction of the board of county commissioners and the township road supervisors or township road committee, if such a committee shall be chosen as hereinbefore provided.

Use of proceeds of bonds.

Bridges.  
Use of special tax.

SEC. 21. That no county road tax shall be levied or collected in any township voting and issuing township improvement bonds and a special township tax sufficient to put and keep its public roads and highways in good condition; nor, in such event, shall any of the county road funds be used in the road work of said township.

Relief from county road tax.

SEC. 22. That in any township of said county where no election has been held under this act the county commissioners may, at the next general election in said township and county, or sooner and on their own initiative, if they deem it advisable, submit to the quali-

Elections.

fied voters of such township the question of issuing such bonds and levying such tax and electing such township road committee as herein provided; and if a majority of the votes cast in any such election shall be in favor thereof, the said commissioners shall thereupon proceed as herein provided and directed.

County bond  
issue to nullify act.

SEC. 23. That if the electors of Cumberland County shall vote in favor of issuing \$200,000 for road improvement in said county, under the terms of an act heretofore passed by this General Assembly (chapter . . . . ., Public Laws of North Carolina, session of one thousand nine hundred and eleven), then and in such even this act shall be null and void; otherwise it shall be and remain in full force and effect.

Repealing clause.

SEC. 24. That nothing herein shall be construed as repealing any of the existing laws applicable to Cumberland County, except in so far as said laws may be in conflict with the provisions hereof, and to the extent of such conflict only, said laws or clauses of laws are hereby modified and repealed.

SEC. 25. This act shall be in force from and after its ratification. Ratified this the 8th day of March, 1911.

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## CHAPTER 736.

### AN ACT TO DRAIN DUTCHMAN'S CREEK AND ITS TRIBUTARIES, IN GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

Commissioners  
named.

SECTION 1. That a commission of five men, to wit: T. L. Ware, W. R. Rutledge, U. A. Broadway, W. D. Beatty and J. A. Abernathy, of Gaston County, North Carolina, and their successors in office, be and they are hereby constituted and appointed a commission for the purpose of providing and establishing a drainage system for what is known as Dutchman's Creek in Gaston County, and to be known as "Dutchman's Creek Drainage Commission," of Gaston County, and in that name they shall be a corporation with power to have a corporate seal, to sue and be sued, to contract and be contracted with, and generally to do whatever may be necessary to be done in order to make effectual the drainage of Dutchman's Creek and its tributaries in Gaston County, North Carolina, above the southern boundary line of J. A. Davenport's land and the Lincoln County line, which said power and authority shall embrace the right to purchase all necessary machinery, dredging machine, tools, appliances and other material to carry out said work, and to issue the note or bond or other obligation of said corporation or commission, in an amount not exceeding fifteen thousand dollars, payable in amounts to be fixed by said commission and at stated intervals, not

Corporate name.

Incorporation.

Corporate powers.

Territory.

exceeding ten years, to be fixed by said corporation or commission, and said commission or corporation shall be possessed of all such powers as are usually granted and pertain to corporations.

SEC. 2. Said commission or corporation shall meet and organize as soon as possible, and at the first meeting shall elect one of their number chairman, another vice-chairman and another secretary, and may elect an outsider treasurer or may consolidate the offices of secretary and treasurer, and in that event elect one of their number necessary books upon which to keep a perfect record of all dealings and transactions of said commission or corporation, and shall have the authority and right at any time to employ a superintendent or overseer and hands to do said work, and fix their compensation and date of payment, and to execute the obligation or note of said corporation for the payment of same in the name of said corporation, and shall also have the authority, in the discretion of said commission, to contract for the whole of said work or a part of same, and to enter in contract for letting of same and the payment of said work, and to employ counsel.

SEC. 3. The said commission shall make a just estimate of all lands along Dutchman's Creek and its tributaries, within Gaston County (including particularly Leper's Creek and Killian's Creek) and within the terminal points mentioned and designated in section one, that will in their judgment be benefited, either generally or specially, by the work proposed and contemplated to be done, and make a list of the owners of said lands, with the estimated number of acres to be benefited by each owner; and in making said estimate the said commission is authorized to take into consideration and estimate all lands lying within one-half mile of the center of Dutchman's Creek, the measurement to be air line and at right angles to center of said creek upon either and both sides of said creek, and upon the tributaries of Dutchman's Creek, extending up said tributaries from point where same empty into Dutchman's Creek to Lincoln County line, and all lands upon said tributaries and within one-half of a mile of the center of said tributary streams measured at right angles and air line from center of said tributary streams on either and both sides of same, and shall be measured and estimated, and said commission shall make a just estimate of all lands on Dutchman's Creek and its tributaries, within the radius prescribed and limits herein defined, as in their judgment will be benefited, either generally or specially, and both, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner; and in making said estimate may take into consideration the special benefits to any one or more landowners to be derived by some, and to assess said landowner or owners a larger amount, in accordance with the special benefits. Said commission is further authorized and empowered to employ a

Organization.

Record books.

Employment and payment of overseer and hands.

Execution of note.

Contract for work.

Estimates.

Lists of land-owners.

Lands embraced in estimate.

Lists of land-owners.

Assessments.

Employment of engineer.

competent engineer to do such surveying as is necessary and desired by said commission and as may be required by this act. That the boundary as herein described and designated be and the same is established as a drainage district.

Drainage district.

Examination and classification of land.

SEC. 4. It shall be the further duty of the said commission to view and personally examine the land embraced within the radius mentioned in paragraph three herein, and classify it with reference to the benefit it will receive from the canaling and improvement and work contemplated in this act; and the said commission will take into consideration the degree of wetness of the lands, its proximity to the creek, its natural outlet and the fertility of the soil, which shall be considered in determining the amount of benefits it will receive by the contemplated improvements. The land benefited shall

Five classes.

be separated into five classes: The land receiving the highest benefit shall be marked "Class A," that receiving next highest benefit "Class B," that receiving the next highest benefit "Class C," that receiving the next highest benefit "Class D," and that receiving the smallest benefit "Class E." The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on any map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be estimated, as nearly as practicable, and presented in tabulated form. The scale of assessment upon the several classes of land returned by the commissioners or found by them shall be in the ratio of five, four, three, two and one—that is to say, as often as five mills per acre is assessed against the lands in "Class A," four mills per acre be assessed against the lands in "Class B," three mills per acre in "Class C," two mills per acre in "Class D," and one mill per acre in "Class E."

Scale of assessment.

This shall form the basis of the assessment of benefits to the lands. That after said commission has assessed the benefits to the lands, they shall give notice at the court-house door in Gastonia, Gaston County, and by posting notice at five points along the line of Dutchman's Creek, appointing a day on which said board of commissioners will meet at the court-house in Gastonia, Gaston County, to hear any and all complaints of the landowners of the assessments made against said lands, which said notice shall give ten days time or notice of said meeting, at which time the said commission will

Basis of assessment.

Notice of day for hearing.

Hearing.

sit as a body to hear and determine all complaints that may be filed with them, and shall have the right to hear and all evidence introduced and offered in said matter, and determine the proper assessment against said complainants and fix the assessment against all the lands within the radius mentioned and set forth in

Final assessment.

section three of this act; and said commission shall have the power and authority to issue subpoenas for witnesses and hear their evi-

Powers of commission.

dence and punish for contempt of their proceedings or court while sitting and hearing said complaints; and any party aggrieved by said assessments or other matters before said commission or court shall have the right of appeal, at said time or within ten days thereafter, to the superior court of Gaston County, said appeal being taken and prosecuted as now provided in appeals in civil actions, the party appealing being required to give bond in the sum of two hundred dollars, to pay all costs and assessments adjudged and awarded against him or them upon said appeal. Said appeal shall have priority in point of trial upon appeal to the superior court and shall stand for trial at the next term of said court, by reason of its public nature.

Right of appeal.

Bond on appeal.

Priority of trial.

SEC. 5. After the classification of the land and the ratio of assessment of the different classes to be made thereon has been made, formulated and tabulated by the commission, the said commission shall prepare an assessment roll, giving a description of all the land ascertained from the public records and the amount of assessment against each of the several tracts of land. In preparing this assessment roll the commission shall ascertain the total cost of the improvement, including the damages awarded and to be paid to the owners of land, and all incidental expenses, and the remainder shall be the amount to be borne and paid by the lands benefited. This amount shall be assessed against the several tracts of land according to the benefits received, as shown by the classification and ratio of assessment made by the commission. This drainage roll, showing the amount assessed and to be paid by the various and several tracts of land by the owners thereof, shall be made in duplicate, signed by the chairman and secretary, and one copy filed with the secretary as part of the records of his office, and the other delivered to the sheriff or other county tax collector of Gaston County, which said roll shall show the name of the owner, the number of acres of land upon which assessment has been made and the amount due by said landowner, and there shall be appended an order to collect the said assessment and amounts so certified, and same shall have the force and effect of a judgment, as in the case of State and county taxes, and shall be collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general laws, except the same shall be due and payable from date of said assessment roll being delivered to the sheriff for collection. After the said commission has assessed the several tracts of land according to the benefits received, as shown by the classification and ratio of assessments as made by said commission, it shall have the right to levy an assessment upon said benefits in an amount annually not exceeding five dollars per acre, until the whole thereof is paid or said contemplated improvement completed, or if the total cost of the work is less than an average of five dollars per acre on all the lands

Assessment rolls.

Ascertainment of assessment.

Apportionment of assessment.

Drainage roll in duplicate.

Order for collection.

Collection.

Assessment on benefits.

in the district the assessment made against the several tracts can be collected in one installment, in the discretion of the commission, or in two or three installments, in the discretion of said commission, by the officer as herein directed, in the same manner as State and county taxes are collected and payable. In case the total assessment exceeds the average of five dollars per acre, or even one dollar per acre, or fifty cents per acre, the said Dutchman's Creek drainage commission may give notice of three weeks by publication in some newspaper in Gaston County, North Carolina, if there be one, and also by posting a written or printed notice at the court-house door in Gaston County and five conspicuous places in the drainage district that they propose to issue bonds for the construction of said improvement, giving the amount of bonds to be issued, the rate of interest they are to bear, and the time when payable, not exceeding in amount fifteen thousand dollars, nor exceeding the amount of assessed benefit for said work and improvement contemplated, which said issues of bonds shall be for a period from date of same not more than ten years, bearing six per cent interest. Any landowner having lands assessed in the district and not wanting to pay interest on the bonds may, within thirty days after the publication of said notice, pay the treasurer the full amount of his assessments and have his land released therefrom. Neglect to pay same to the treasurer within said time shall be deemed as consenting to the issuing of said bonds, and in consideration of the right to pay his assessments he thereby waives his right to any defense against collection of said assessment because of any irregularity, illegality or defect prior to that time, except in the case of an appeal, as hereinbefore provided, which is not affected by this waiver. The term "person" as used in this act includes firm, company or corporation. At the expiration of thirty days after the publication, the Dutchman's Creek drainage commission may issue bonds for the full amount of the assessments not paid in to the treasurer, with the interest thereon, costs of collection or other incidental expenses; the bonds to bear six per cent interest per annum, payable annually, and shall be paid in equal installments of not exceeding ten years, to be fixed by said commission. The said bonds so issued shall have attached thereto coupons representing the interest on said bonds, which coupons shall be due and payable annually, and shall bear the same number of the corresponding bond. Said bonds shall be issued in the name of Dutchman's Creek drainage commission and shall be signed by its chairman and attested by the secretary and the official seal of said corporation attached, and said bonds issued shall be for the exclusive use of the prosecuting and carrying on the improvement and work contemplated herein, and shall be sold by the commission for not less than par, and shall be numbered by the commission and recorded in a book for that purpose, showing the purchaser and number of each bond and where payable, and shall set out specif-

Notice of purpose to issue bonds.

Payment in full to release lands.

Consent to bond issue.

Person defined.

Bond issue. Amount.

Interest. Maturity.

Authentication.

Use of bonds.

cally the lands embraced in the district on which the tax has not been paid in full (tax herein meaning assessment upon benefits) and which land is assessed for the payment of the bond issued and the interest thereon. This assessment shall constitute the first and paramount lien, second only to State and county taxes, upon the lands assessed for the payment of said bonds and the interest thereon as they become due, and shall be collected in the same manner by the same officer as the State and county taxes are collected. If any installment of principal and interest represented by the said bond shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said commission and corporation of said district, wherein the court may issue a writ of mandamus against the said drainage commission, its officers, including tax collector and treasurer, directing the levying of a tax or special assessment, as herein provided, and the collection of same, and in such sum as may be necessary to meet any unpaid installment of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the sheriff or other tax collector of said county shall be liable for the faithful performance of the duties herein assigned him, and such official bond may be increased by the board of county commissioners to meet the additional duties and liabilities imposed by this act, unless the existing bonds shall be ample to cover such increased liabilities. That in order to meet said bonds at maturity and to pay the interest on same, they are authorized, instead of collecting from the said lands so assessed for the benefit to be derived by said improvement in one full sum, to assess and collect annually a pro rata part of said assessment or a sufficient sum, and levy upon the benefits to each landowner an amount annually to meet said interest and create a sinking fund to pay said bonds at maturity, and as said sinking fund accumulates the said commission are authorized to loan same and apply the interest so collected to said sinking fund, and continue to do so until said bond issue shall be discharged; and in the event said commissioner desires to pay off said bond issue before maturity, they may assess a sufficient sum, and collect, as will pay the interest and one-fifth of said bonds issued annually until fully paid and discharged, and in that event said commission may pay off such bonds as the holders thereof may consent to, or in the event the holder shall refuse to surrender said bond at par, with accrued interest, said com-

Lien of assessment paramount.

Right of action.

Remedy by mandamus.

Bond of sheriff.

Assessments for bonds and interest.

Sinking fund.

Bonds subject to call.

mission may designate the number of the bond it will pay and publish same in some newspaper published in Gaston County, and from said date said bond shall fail to bear interest: *Provided*, the said bonds shall be affected with the conditions of this provision only when said conditions are expressed upon the face of the bonds.

Sheriff to collect assessments.

SEC. 6. That the sheriff, upon the delivery to him of the assessment roll and list, shall immediately proceed to collect the same, and to that end shall have the power and remedies as he has for the collection of the public taxes, and shall receive for such services the same compensation as in the collection of State and county taxes, and shall pay over the same to the treasurer of said corporation or commission and take his receipt therefor.

Power and remedies.

Compensation.

Bond and pay of treasurer.

SEC. 7. That said commission shall have the authority to fix the amount of the treasurer's bond and to take and accept same and file with the records of their board, and shall pay said treasurer out of the funds the sum of two per cent upon amounts paid out by him, and shall allow to each member of the commission the sum of one dollar, for each and every day actually served, for his compensation for services rendered, to be paid out of said fund. That all orders upon the treasurer shall be signed by the chairman and attested by the secretary.

Pay of commissioners.

Orders on treasurer.

Duty of commission.

SEC. 8. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid flow of said watercourse shall be removed as rapidly as possible, and they shall further cause the bed of said stream to be widened to a width not exceeding thirty feet, and to lower the bed and bottom of said stream not exceeding fifteen feet, and may straighten said stream and change same at such points and places as may seem to them to be for the better flow of the water, and shall have the power to remove or cause to be removed from the banks of said stream all such growth or other hindrances as tend to retard the rapid flow of the water of said stream on occasions of high water, and shall have the right from time to time, its agents and employeés or contractors, to enter upon any lands along said watercourse and tributaries for the purpose of carrying out the improvement and work contemplated in this act, and shall have, after the completion of same, the right to enter upon said lands at any time for the purpose of performing any work in making repairs and clear of obstruction all growth or matter interfering with the free flow of the water. But in doing this work they shall give attention first to the widening and lowering and excavating the bed of said stream and making such changes as they may deem proper to add to the better drainage and flow of the water and the removal of rock and other hindrances to the rapid flow of the water.

Entry on lands.

Priority of work.

Commissioners to meet and qualify.

SEC. 9. It shall be the duty and obligation of each of the members of said commission to meet and qualify by taking the oath to faithfully discharge his duties as commissioner, after which any member

shall have the right to resign, or for good cause his office may be declared vacant by the other members, and all vacancies from what- ever source or cause shall be filled by the board of county commis- sioners of Gaston County, North Carolina.

SEC. 10. If it shall be necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, or shall be necessary to acquire land in changing the channel of said creek for the betterment of the flow of the water and the improvement of the objects and purposes of this act, and in either event the same can not be acquired by purchase, then and in that event the power of eminent domain is hereby conferred and the same may be con- demned. Such owner or owners of the land proposed to be con- demned may be made parties defendant in the manner of a special proceeding, and the procedure shall be substantially as provided for the condemnation of rights-of-way for railroads in chapter sixty-one of The Revisal of one thousand nine hundred and five, so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the commission out of the funds which shall be available from the proceeds of sale of bonds or from col- lection of the assessments upon benefits; and every privilege, power and right to carry out the provisions of this act are granted said commission to aid in the further promotion of said work herein con- templated by this act.

SEC. 11. The owner of any lands that have been assessed for the costs of the construction and improvements herein directed and al- lowed by this act shall have the right to use same as an outlet for lateral drains from said lands, and if said lands are separated from the creek by the lands of another, and the owner thereof shall be unable to agree with said other as to the terms and conditions on which he may cross their lands and construct said drain or ditch, he may file petition with said commission herein appointed and con- stituted a corporation, who shall act as arbitrators of said matter and settle same, and said ditch shall be under the control of the drainage commission appointed.

SEC. 12. That the said Dutchman's Creek drainage commission shall have the power and right, at their discretion, to elect or ap- point a superintendent of the construction of said work and improve- ment, and to fix his compensation and bond for the faithful per- formance of same.

SEC. 13. That said commission may have an estimate of said work and improvement proposed made, and let the entire work out by contract or by sections, to be laid off by said commission, and to contract for the same, or it may do the work and improvement by purchasing a dredging machine or other machinery and hiring labor under the committee's supervision or that of a superintendent. In event said commission shall decide to let said work to bidders, for the whole or by sections or any part of same, the successful bidder

Vacancies.  
Power to condemn  
and.

Procedure.

Lateral drains.

Rights-of-way.

Election of  
superintendent.

Compensation and  
bond.

Work may be let  
to contract.

Contracts.

- shall be required to enter into a contract with the Dutchman's Creek drainage commission and to execute bond for the faithful performance of such contract, with sufficient sureties in favor of Dutchman's Creek drainage commission, in an amount equal to twenty-five per cent of the estimated cost of the work awarded to him.
- Bond of contractors.**
- Action on bond.** If any contractor to whom a portion or all said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the Dutchman's Creek drainage commission against such contractor and his bond in the superior court for damages sustained and recovery made against such contractor and his sureties.
- Removal of bridges.** SEC. 14. That said Dutchman's Creek drainage commission shall have full power and authority to remove any public highway bridge across any of the streams within the radius permitted in this act and fixed as a drainage district, and place same upon the bank of said stream and proceed with its work. Said drainage commission shall, upon the completion of said drainage system, replace at its expense all bridges which may be removed or displaced in carrying out said work.
- Replacement.**
- Control and supervision of completed work.** SEC. 15. Whenever said improvement is completed it shall be under the control and supervision of said Dutchman's Creek drainage commission, and it shall be the duty of said commission to keep said watercourse in good repair and open, and for this purpose may levy an assessment on the lands benefited by the construction of such improvement, in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining said watercourse in perfect order: *Provided, however,* that if any repairs are made necessary by the acts or negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent or employees, or if the same is caused by the cattle or other stock of said owner, employee or agent, then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the commission.
- Assessment for maintenance.**
- Proviso: repairs made necessary by negligence.**
- Injuring works misdemeanor.** SEC. 16. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, roadway, fence or flood gate in such way as to injure or obstruct the improvements and water flow of said stream under the provisions of this act, and any person so causing such injury shall be guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not exceeding twice the damages or injury done or caused.
- Punishment.**
- Entry on lands.** SEC. 17. That said commission or any of its agents, officers, employees or contractors shall have the right to enter upon the lands adjoining said work at any time for the purpose of said improvement, without hindrance or objection or subjecting themselves or their agents, employees or contractors to indictment for trespass.

SEC. 18. That, subject to the requirements hereinbefore set forth, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, and more especially the health of the community in general, until the whole of said work shall be completed and the health of the community benefited and improved.

Work at discretion of commission.

SEC. 19. It shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment not to exceed thirty days, for any person or persons, firm or corporation to obstruct the flow of water in said stream or to interfere with the work of said commission draining said creek and lands.

Obstruction of water or interference with work misdemeanor.

SEC. 20. That all laws and clauses of laws in conflict herewith are repealed.

Repealing clause.

SEC. 21. That this act shall be in force and effect from and after its ratification: *Provided, however,* that nothing in this act shall be construed so as to interfere with the operation and maintenance of the plant and water-power of the Nims Manufacturing Company as the same is now maintained and operated.

When act effective.  
Proviso: Nims Manufacturing Company.

Ratified this the 8th day of March, 1911.

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#### CHAPTER 737.

AN ACT TO MAKE THE OWNER OF DOMESTIC FOWLS RESPONSIBLE FOR THEIR DAMAGE TO THE PROPERTY OF OTHER PERSONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the owner of turkeys, chickens and other domestic fowls shall be responsible for the damage done by such fowls to the property of other persons: *Provided,* the owner of said fowls shall first be notified of their trespassing, and then and in that event, if he fails to keep them on his own premises, he shall pay for all damage committed by said fowls to the property owner.

Owner of fowls responsible for damages.  
Proviso: notice of trespass.

SEC. 2. That this act shall apply to the county of Alleghany only.

Application of act.

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

Ratified this the 8th day of March, 1911.

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#### CHAPTER 738.

AN ACT TO CREATE THE HIGHWAY COMMISSION OF REIDSVILLE AND WILLIAMSBURG TOWNSHIPS AND TO AUTHORIZE SAID TOWNSHIPS TO ISSUE BONDS FOR PERMANENT CONSTRUCTION AND UPKEEP OF ITS ROADS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Felix Combs, W. S. McKinney, A. A. Walker, E. F. Hall, W. B. Wray, J. T. Amos and C. M. Bennett and their

Highway commission named and incorporated.

successors, be and they are hereby constituted, created and declared a body politic and corporate under the name and style of "The Highway Commission of Reidsville and Williamsburg Townships," with its principal office in the city of Reidsville, Rockingham County, North Carolina, and as such shall have perpetual succession and a common seal, which they may alter at pleasure; and shall be capable in law to sue and be sued and be impleaded in all the courts of this State. And said highway commission shall have the powers and privileges, and be subject to all the restrictions contained in the laws of the State relating to corporations now in force. That said corporation shall have power to make and establish such by-laws, rules and regulations for its government as it may deem wise and necessary and which are not in conflict with the laws of North Carolina and United States of America. The said highway commission shall elect one of its members chairman and shall also elect a secretary and treasurer, who may or may not be a member of the highway commission herein created. That said corporation shall have power to lease, purchase, take and receive by gift or devise, and hold in fee simple or lesser estate or estates, all manner of lands, tenements or hereditaments, and shall be capable in law to take, receive and possess all moneys, stocks, bonds, books, goods and chattels which may have been or may hereafter be given to it by deed or otherwise. Conveyances and other agreements affecting real estate and all bonds and obligations shall be sufficiently executed when signed by the chairman and secretary of said corporation and attested by its common seal.

**SEC. 2.** That the term of office of the highway commissioners herein appointed shall expire on the first Monday in December, one thousand nine hundred and twelve, or when their successors are duly elected and qualified as provided for in this act. That at the next general election for members of the General Assembly, Williamsburg Township shall elect three highway commissioners, by the qualified voters of said township, and biennially thereafter to serve for a term of two years or until their successors are duly elected and qualified, who shall be citizens of said township. Also at said general election for members of the General Assembly Reidsville Township shall elect, by the qualified voters of said township, four highway commissioners, two of whom shall reside within the corporate limits of the town of Reidsville and two shall reside in Reidsville Township outside of the corporate limits of the town of Reidsville, and their successors shall be elected biennially thereafter to serve for a term of two years or until their successors are duly elected and qualified. Said highway commissioners shall be elected in the same manner as is prescribed by law for the election of the justices of the peace, and commissioners so elected shall succeed to all the rights, powers and privileges granted to the commissioners named in section one (1) of this act.

Corporate name.  
Principal office.

Corporate powers.

Organization.

Further enumeration of powers.

Conveyances and contracts.

Term of office.

Election and term of successors.

SEC. 3. That said corporation is hereby authorized and empowered to issue bonds of the said township to an amount not exceeding the sum of one hundred thousand dollars (\$100,000), of denominations of not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1,000), bearing interest from date of their issue at a rate not exceeding five per cent per annum, with interest coupons attached, payable semi-annually, at such time and place as the said corporation may direct, and the principal thereof shall be paid at such time and place as said corporation may determine in accordance with the provisions of this act.

Bond issue authorized.  
Amount.  
Denominations.  
Interest.

SEC. 4. That the bonds shall be made payable not less than thirty years nor more than forty years from date thereof, and shall bear on the face thereof the following to determine the purpose for which they were issued: "Public Road Bonds of Reidsville and Williamsburg Townships." The bonds and coupons shall be numbered consecutively beginning with number one and shall be signed by the chairman of said corporation and countersigned by a secretary, and the said bonds shall have impressed upon them the common seal of said corporation, and said bonds and coupons shall be payable in standard currency of the United States at the office of the treasurer of the said highway commission in the town of Reidsville, North Carolina, or at such other place as shall, in the discretion of the said highway commission, be indicated on the face of said bonds and coupons. Said highway commission shall have the power and authority to advertise and sell, either publicly or privately, any or all of said bonds at such time or times, and in such manner as they shall deem best.

Maturity.  
Authentication.

Sale of bonds.

SEC. 5. That the funds received from the sale of said bonds shall be used for the purposes of laying out, improving, straightening, grading, permanently constructing, and maintaining the public highways of Reidsville and Williamsburg townships.

Use of proceeds.

SEC. 6. That said corporation shall not issue the bonds herein provided, or any part thereof, until they shall have first submitted the question to the qualified voters of said township at an election to be held for that purpose. Said election shall be held and conducted in the same manner as is prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that the highway commission of Reidsville and Williamsburg townships shall order and call an election and appoint the registrars and judges of election and all other election officers, and fill vacancies for any cause, and the registration and challenging of voters shall be conducted in like manner as is provided for in the election of members of the General Assembly, and for said election or elections the said highway commission shall order a new registration before calling any such election and provide therefor as directed by law for the holding of State elections. The votes shall be counted at the close of the polls by the registrars and judges of election, and

Election on bond issue.

Law governing election.

Proviso: order of election and appointment of officers.

Registration and challenges.

New registration.

Count and return of votes.

- they shall make two written statements or returns and deliver them to the highway commission of Reidsville and Williamsburg townships on the first Tuesday after said election, and said highway commission shall canvass the same and declare the result of the election and record it in the minute book of said corporation, and the returns and findings and declaration of the highway commission of Reidsville and Williamsburg townships and the other returns and a copy of the findings shall be filed with the register of deeds of Rockingham County, to be recorded in his office, and no other recordation shall be necessary. Said election shall be called by the said highway commission upon the petition of not less than three hundred qualified voters of said township. That said petition provided for in this act containing the names of three hundred or more qualified voters will be considered to be *prima facie* evidence that they are bona fide electors of said township, and any irregularity in regard to said petition or the residence or qualifications of the persons whose names appear thereon shall not be construed to invalidate or affect the market value or cash value of any bond or bonds issued and sold by virtue of the provisions of this act.
- Canvass and record.**
- Record in office of register of deeds.**
- Petition for call of election.**
- Ballots.**
- Advertisement of election.**
- Effect of negative vote.**
- Proceeds of bonds paid to treasurer.**
- Separate fund and accounts.**
- SEC. 7. That at said election or elections the ballots cast shall be white strips of paper one and one-half inches by three inches, upon which is written or printed "For Good Roads" or "Against Good Roads." The qualified voters favoring and voting for the issuing of said bonds shall pass their ballots "For Good Roads" and the qualified electors who oppose and vote against issuing said bonds shall cast their ballots "Against Good Roads."
- SEC. 8. That said election, together with the purpose thereof, shall be advertised by said highway commission at least once a week for four successive weeks immediately preceding the day of election, in some newspaper published in the town of Reidsville, North Carolina, with notice of registration, as the law provided in other elections. If it is found that a majority of the registered voters shall not have cast their ballots "For Good Roads" no bonds shall be issued, but this shall not destroy this act nor prevent said highway commission from calling other elections and submitting the question again to the qualified voters of Reidsville and Williamsburg townships, with or without a new registration, at their discretion, at a subsequent election called by said highway commission for that purpose at any time within six years from the holding of the first election in the same manner and subject to the same laws and regulations as is prescribed herein for the holding of the first election.
- SEC. 9. That when any of said bonds are sold the proceeds of sale including premiums on said bonds, if any, shall be turned over to the treasurer of said highway commission, who shall keep all of said funds, and all other funds provided for under this act, and which may come into his hands, separate from all other funds, and he shall keep a separate account of the same. Said treasurer, before any

money shall be turned over to him, shall execute an official bond payable to said highway commission in a sum one-fourth greater than the sum which may come into his hands by reason of this act or otherwise, conditioned for his faithful safekeeping and accounting for the same, and in all things holding and disbursing and accounting for the same as is required of him by law; and all orders directed to said treasurer for the payment of money under this act shall bear on their face that they are good roads bond orders or other orders, and shall state against what account they are drawn. Said treasurer shall be a qualified voter of Reidsville or Williamsburg townships, and shall be elected by a majority of said highway commission, and shall hold his office for a term of two years or until his successor is duly elected and qualified. The compensation of said secretary and treasurer shall be fixed by the said highway commission, who may remove him at any time they shall deem it expedient or advisable. Said bonds shall be passed upon, accepted and received by the said highway commission, if in their judgment they deem it in due form and are satisfied with the security. But if said treasurer refuses or fails to make the foregoing bond, then the said highway commission shall elect some other person as secretary and treasurer of said corporation, who shall serve under the provisions and directions set forth above. The said highway commission may elect as secretary and treasurer a member of said corporation or some suitable person who is not a member, as they may deem proper. The secretary and treasurer of said highway commission is hereby required and directed to keep an intelligible set of books showing all transactions and expenditures of money and for what purposes expended, including a separate itemized account for machinery, labor, building materials, supplies and of all other expenditures incident to the construction and improvement of said roads. All books, records, accounts and papers of said highway commission shall be open at all times to the inspection and examination of the public.

SEC. 10. 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: *Provided, however,* that the purchasers of said bonds shall not be required to see to the application of said bonds or any part thereof. A record shall be kept by said highway commission, in a book kept for that purpose, setting forth the amount of bonds issued and sold, the date of sale, to whom sold, the number of bonds and date of maturity of each bond.

Bond of treasurer.

Good roads bond orders.

Qualification, election and term of treasurer.

Compensation.

Books to be kept.

Records open to inspection.

Sale of bonds below par forbidden.

Specific appropriation.

Proviso: responsibility of purchaser.

Record of bonds.

Payment of interest.

SEC. 11. That for the purpose of paying the interest accruing on said bonds issued under the provisions of this act the highway commission is authorized, empowered and directed to take and appropriate of the money collected for public road purposes, and apply as much thereof as is necessary for the payment of said interest when-

Sinking fund.

ever same is due, and said commission shall provide a sinking fund from the taxes collected for said road purposes by setting aside a sum thereof annually for the payment of the principal of said bonds at maturity. Any money thus appropriated may be invested by said highway commission in the purchase of said township bonds, if they can be purchased at par, but in case such bonds can not be purchased, the said commission may lend said sinking fund or any part thereof, in such sums as they may deem proper, for a length of time elapsing six months prior to the maturity of the bonds next coming due, for the redemption of which such money may be needed, taking as security for the payment thereof mortgages or deeds of trust on real estate sufficient to amply secure the same; bonds of the State of North Carolina, or said township bonds, and none other, may be taken as collateral security for said loans at not exceeding their par value.

Investment of sinking fund.

Election of road supervisor.

SEC. 12. That upon finding the result of the election to be in favor of issuing bonds or as soon thereafter as the highway commission may deem necessary, the said corporation shall call a meeting of said highway commission in a session for the purpose of electing by ballot for Reidsville and Williamsburg townships a road supervisor, and in this session each member of the highway commission shall have one vote in each ballot that may be taken. The result of said election shall be declared and recorded in the proceedings of the said highway commission. Four members of said commission

Quorum.

shall constitute a quorum, with power to elect as aforesaid. If no election is made by this meeting the said highway commission shall within ten days thereafter proceed to elect such road supervisor. Said person elected road supervisor shall take and subscribe an oath for the faithful performance of his duties as road supervisor, and shall execute an official bond before entering upon said duties, with sufficient security in the sum of one thousand dollars, for the faithful performance of his duties and accounting for all moneys and property which may come into his hands as said officer. Said bonds shall be made payable to the State of North Carolina and shall be approved by said commission and recorded in the same manner as county official bonds. Said supervisor shall hold his office for two years from the first Monday in June of the year elected, or until his successor is duly elected and qualified, and he shall be elected biennially thereafter, except that the highway commission may, for incompetency or inability or neglect to perform his duties or for other good cause, remove said road supervisor from his said office and elect his successor for the unexpired term, subject to the same causes for removal as herein set forth. Said road supervisor shall enter upon his duties and work when directed by said highway commission to begin, and his wages shall be fixed by said highway commission.

Supervisor to qualify and give bond.

Term of office.

The highway commission may by a majority of its members remove from office any of its members who may be found guilty of wrongful and unlawful acts concerning or relating to the affairs of said office.

Duties, work and wages.

Power to remove highway commissioners.

SEC. 13. That said road supervisor is hereby given power and authority, subject to the approval of the commission, with the aid of a competent civil engineer, to straighten, locate and relocate, widen, or otherwise change any part of any public road, whenever in his judgment such location, relocation, straightening or change will prove advantageous to public travel; and for the purpose of laying out, locating, relocating, broadening, changing, straightening, opening up, or constructing, or working any public roads or thoroughfare herein provided for, a road supervisor or any one acting under his authority, by his direction or under his supervision, may enter upon the lands of any person and proceed to open, build and construct the road, and may use stone, earth, timber or any necessary materials contiguous to said roads for opening, constructing, and working said road. That when any person or persons, on whose land the new road or part of a road is to be located, claims damages therefor in excess of what the highway commission may deem just and shall within thirty days petition the said highway commission for a jury to assess the damages, the said commission within not less than fifteen nor more than sixty days after completion of said roads, shall order a jury of freeholders of said townships of not less than three nor more than five persons, of whom none shall be related to the person or persons claiming damages, to be summoned by the sheriff of the county or the constable of the township where said land is located, on a notice issued by the said highway commission to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after first being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the next regular or called session of said highway commission; that said jury, in considering the said damages, shall take into consideration the benefits to public travel and to the owner or owners of the land, and if the said benefits be considered equal to the said damages sustained the jury shall so declare. The sheriff or constable serving the process shall be allowed the sum of twenty-five cents for each person for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of said township's funds. The officer making the service shall make a copy of the summons on each freeholder summoned for a jury, unless such freeholder accepts service. The damage, if any awarded, shall be paid out of the good roads fund of said township. In case either party interested shall be dissatisfied with the findings of the jurors, such dissatisfied party may appeal to the said highway commission, and if dissatisfied with the said highway commission's decision may in turn appeal to the superior court of Rockingham County, and an appeal taken from the judgment taken from the appeal to the highway commission by either party may be without bond, and the same shall be heard *de novo*; but the judge may in

Power and authority of supervisor.

Entry on land.

Procedure for assessment of damages.

Fees.

Right of appeal.

his discretion require either party to give bond when the appeal is to the superior court: *Provided*, that the party to whom damages are awarded shall recover no more costs than a sum equal to the amount of damages so awarded. That for the purpose of carrying out the provisions of this act, the civil engineer, the road supervisor and the overseer and hands are authorized to enter upon any land near to or adjoining any public roads, to cut and carry away timber, to dig and cause to be dug any gravel, sand, soil, clay or stone which may be necessary to construct, improve or repair said roads, and to enter upon any lands adjoining or lying near the road in order to make such drain or ditches through the same as they may deem necessary for the betterment of the roads, doing as little injury to said lands or the timber or improvements thereon as the nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest ditch, drain or watercourse or waste ground, and shall be kept open by said supervisor and shall not be obstructed by the owner or occupant of such lands or any person.

Proviso: costs.

Entry on land for material.

Drains or ditches.

Details of roads.

SEC. 14. That the highways and thoroughfares in said townships constructed or improved under this act shall not be less than twenty nor more than forty feet wide, unless under extraordinary conditions the highway commissioners shall in their best judgment decide otherwise, and the whole length of said roads shall be as straight as expediently practicable, and reasonably graded.

Qualifications of supervisor.

SEC. 15. That said road supervisor shall be an experienced and practical builder of improved roads, and shall be under control and obey all lawful orders of the said commission; and in laying out and grading the public roads in said townships preparatory to improving them he may, in the discretion of said highway commission, have the assistance of a practical engineer, which engineer shall be employed by the highway commission for this purpose. The road supervisor shall have supervision of all public road forces in said townships and shall direct their work in accordance with the orders of the highway commission. He shall have general supervision of the convicts, if any, and shall appoint a superintendent of the chain gang and all the guards, subject to the approval of the commission. Said road supervisor shall keep the time of all employees on the road and an account of all the work done by contract and certify the same to the highway commission whenever requested to do so, and said commission is hereby fully authorized and empowered to hire labor, purchase material, implements, supplies, live stock, machinery, equipment, and all other road working utilities they may deem necessary for the construction, improvement and maintenance of said roads, and they may contract for material to be furnished for road building and may let sections of road grading out by contract, when it is deemed expedient to do so, and pay for the same out of the road fund and exercise all other powers, rights and privileges incident to

Assistance of engineer.

Further enumeration of powers of supervisor.

Powers of commission.

Contracts for material and grading.

- or necessary for the purposes of carrying out the provisions and spirit of this act; and all salaries, fees and expenses attending, and incurred in laying out, constructing, maintaining, building, or improving roads in said township shall be paid out of said road funds, the commission making order for same upon the treasurer of said highway commission in manner and form as is provided for herein. The said commission shall at least annually audit, either through a committee of its own members or a competent expert selected by said commission, the books, accounts, documents, and all transactions pertaining to the office of said treasurer, and said highway commission shall cause said report to be published for two weeks in some newspaper published in one of said townships. Payments.  
Annual audit and settlement.  
Publication of report.
- SEC. 16. That the highway commission, in their discretion, may direct the treasurer to deposit in one or more banks, any part of the funds herein provided for, which may not be used for road purposes for six months thereafter, and take certificates of deposit therefor, bearing interest, which shall be credited to said road fund. Deposit of funds.
- SEC. 17. That all expenses arising by virtue of this act in calling, conducting, holding and providing for elections in said townships, shall be paid by the highway commission out of the tax funds of the townships; and if the election shall be found to be in favor of issuing bonds, all expenses incurred in preparing, issuing and selling said bonds shall be paid by said commission out of the funds arising from the sale of said bonds: *Provided, however,* that the expenses of any elections herein provided for that are held and which result in no issue of bonds, shall be borne by Rockingham County and paid for by the commissioners of said county out of the county fund as provided for in other elections. Expense of election.  
Expense of bond issue.  
Proviso: expense if unfavorable.
- SEC. 18. That notes or other evidences of debt given for any loan under this act shall be executed to and in the name of the highway commission of Reidsville and Williamsburg townships, and the treasurer shall be named as the trustee in all deeds of trust, and any highway commissioners or other officer, employee or trustee who shall be interested pecuniarily, either directly or indirectly, in any loan or contract, or any benefits arising therefrom, shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court. Any highway commissioner or road supervisor or treasurer who makes, or causes to be made, any fraudulent order, note, due bill, check, draft or account, whereby money is to be paid out of said road funds herein provided for, shall be guilty of a misdemeanor and be fined and imprisoned, in the discretion of the court, or both, and shall be immediately removed from office by said commission. Execution of notes.  
Officers interested in contracts guilty of misdemeanor.  
Punishment.  
Frauds constituting misdemeanor.  
Punishment.
- SEC. 19. That for the purpose of carrying out the provisions of this act, and no further, the town commissioners of the town of Reidsville and the said highway commission of Reidsville and Williamsburg townships shall confer and act together in joint session, as to all matters concerning or relating to the construction, improv- Roads in Reidsville.

ing and maintenance of the thoroughfares which lie within the corporate limits of the town of Reidsville and which receive benefits under this act; said joint session shall be subject to the call of the chairman of the said highway commission. A majority of all the members of said boards shall constitute a quorum at any and all meetings: *Provided*, that no part of the road funds herein provided for shall be applied to the construction or maintenance of sidewalks in the town of Reidsville or any other towns in said townships which may be now, or hereafter, incorporated.

Quorum.

Proviso: no allowance for sidewalks.

Work in Reidsville.

SEC. 20. That the roads improved inside the corporate limits of Reidsville shall be the same character of roads as shall be built outside the town of Reidsville, and no better or wider, and each road leading into the corporate limits of said town, which receive benefits under this act, shall be built in the regular route of travel under ordinary conditions to the post-office of said town, and no other roads or streets in said town shall be improved by said highway commission out of the funds herein provided: *Provided*, that nothing in this act shall prevent the proper authorities from expending such funds as they may deem necessary, out of the town treasury for the further improvement of any and all streets of said town.

Proviso: expenditures from town treasury.

Separate tax.

SEC. 21. That in the event said election shall be in favor of issuing bonds as aforesaid, the board of county commissioners of Rockingham County shall, when requested to do so by the highway commission in writing, levy annually, at the usual time of levying county taxes, a separate tax of not more than twenty cents on the one hundred dollars valuation of property and sixty cents on each poll in Reidsville and Williamsburg townships, which said taxes shall be collected as other taxes are collected, and the sheriff of Rockingham County shall turn the same over to the treasurer of the highway commission of Reidsville and Williamsburg townships—the constitutional equation to be observed at all times. That in the event the said election, or any election called hereunder, shall be in favor of bonds, at least fifty per cent of all taxes levied and collected by the board of county commissioners of Rockingham County for general or special road purposes thereafter from Reidsville and Williamsburg townships, under chapter five hundred and eighty-one, Public Laws of North Carolina for the year one thousand eight hundred and ninety-nine, and amendments thereto adopted, shall be paid over by said sheriff to the treasurer of the highway commission of Reidsville and Williamsburg townships, to be expended by said commission for the purposes of carrying out the provisions of this act: *Provided*, that no money shall be expended by the board of commissioners of Rockingham County in building or improving any road or thoroughfare within Reidsville or Williamsburg townships, except as herein provided. That nothing herein shall be construed to prevent the commissioners of Rockingham County from building or repairing the bridges of said townships and of levying

Rate.

Constitutional equation.

Road tax in townships.

Proviso: no money expended by county.

Bridges.

the necessary taxes therefor: *Provided, further*, that nothing contained in this act shall exempt Reidsville and Williamsburg townships from paying their proportionate parts of all the existing indebtedness of said county, created for road purposes, or the levying of a tax by the said commissioners for the entire county, to meet the payment of said debts heretofore contracted.

Proviso:  
existing debts.

SEC. 22. That the first meeting of the said highway commission of Reidsville and Williamsburg townships shall be held on Wednesday, the twenty-second day of March, one thousand nine hundred and eleven, at ten o'clock a. m., in the city hall of the town of Reidsville, to perfect an organization and to elect a chairman, secretary and treasurer and other officers, and transact such other business as they may deem proper. Each member of the said highway commission shall receive as compensation for his services in attending all meetings, both stated and special, the sum of one dollar and fifty cents (\$1.50) per day. That said treasurer shall be *ex officio* secretary to the highway commission of Reidsville and Williamsburg townships. Each and every member of said commission, shall, before entering upon the duties as commissioner, take and subscribe to an oath for the faithful performance of his duties, either before the clerk of the superior court of Rockingham County or a justice of the peace of said county. The said commission shall have power to fill any and all vacancies caused by death, resignation, incapacity or otherwise of any member of their commission, for the unexpired term thereof. Said commission shall convene in not less than four regular stated meetings annually, the dates whereof shall be determined and recorded in the minutes of its organization meeting and the duration of the sessions of said meetings shall be according to its discretion and the necessary requirements of public business entrusted to said commission by the provisions of this act: *Provided*, that special sessions of meetings of said commission may be convened at any time by order of the chairman of said commission or upon request in writing being made to said chairman by at least three members of said commission, and it shall be the duty of the secretary to mail to the usual address of each member of the commission a card notice thereof in advance of all such special meetings.

Time and place of  
first meeting.

Organization.

Pay of  
commissioners.

Secretary.

Commissioners to  
qualify.

Vacancies.

Regular meetings.

Proviso: special  
meetings.

SEC. 23. That upon the application of the said highway commission to the judges of the superior, criminal and recorder's courts presiding in Rockingham and adjoining counties, or any other county 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 persons as are mentioned in section eight, chapter five hundred and eighty-one, Public Laws of North Carolina for one thousand eight hundred and ninety-nine, from such adjoining counties or other counties in the same and adjoining judicial districts, to work on the public roads of said Reids-

Convicts assigned  
to road work.

ville and Williamsburg townships. The cost of transporting, guarding, caring for and keeping such prisoners shall be paid by the highway commission of said township: *Provided, however,* that any and all prisoners from such counties may at any time be returned to the keeper of the common jail or other lawful authorities of such county, at the expense of Reidsville and Williamsburg townships highway commission.

Proviso: return of convicts.

Construction of act.

SEC. 24. That this act shall not be construed to repeal any part of chapter five hundred and eighty-one of the Public Laws of North Carolina for one thousand eight hundred and ninety-nine, except in so far as said chapter or any part thereof may be repugnant to or inconsistent with the provisions and spirit of this act.

Commission to expedite work.

SEC. 25. That it shall be the duty of the said highway commission as it is the intent of this act to expedite the construction of the highways and thoroughfares of said townships that may be determined upon by said highway commission as provided for by this act, with the utmost expedition consistent with due regard to economy.

Liability for damages.

SEC. 26. That nothing in this act shall change, repeal or affect the law relieving counties and townships from liability for damages while exercising their governmental powers and functions on account of any failure or neglect to keep said townships, roads, public highways and bridges in safe condition, and by reason of any torts committed by their officers, agents, servants and employees.

General powers and authority.

SEC. 27. That the highway commission of Reidsville and Williamsburg townships shall have power and authority to perform and do all things necessary to carry into effect the objects and execute the provisions and meaning of this act.

SEC. 28. That all laws and clauses of laws in conflict with, repugnant to, or inconsistent with the provisions and spirit of this act are hereby repealed.

SEC. 29. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1911.

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#### CHAPTER 739.

AN ACT TO APPOINT W. B. BERGERON A JUSTICE OF THE PEACE OF FERRALL'S TOWNSHIP, NASH COUNTY, AND TO VALIDATE HIS OFFICIAL ACTS.

*The General Assembly of North Carolina do enact:*

Appointment.

SECTION 1. That W. B. Bergeron be and he is hereby appointed a justice of the peace for Ferrall's Township, in Nash County, for a term of four years from the ratification of this act.

Term.

Acts validated.

SEC. 2. That all the acts heretofore done by the said W. B. Bergeron as justice of the peace are hereby confirmed and validated.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 740.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO PAY A CERTAIN SUM TO THE COUNTY COMMISSIONERS OF MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Lee County be <sup>Payment</sup> authorized and they are hereby authorized to pay to the commissioners of Moore County the sum of four hundred and sixteen dollars, due the <sup>Amount.</sup> school fund of Moore County under the terms of settlement between said counties, and charge the same to the school fund of Lee County.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 741.

AN ACT TO FIX THE PAY OF COMMISSIONERS OF HOKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the chairman of the board of commissioners of <sup>Chairman.</sup> Hoke County shall receive for his services and expenses in attending the meetings of the board, the sum of four dollars per day and mileage, and the other members of the board shall receive three dol- <sup>Commissioners.</sup> lars per day and mileage, said mileage not to exceed five cents per mile.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 742.

AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT OF BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Brunswick County shall pay to the clerk of the superior court of Brunswick County the <sup>Allowances for writing minutes.</sup> sum of two (\$2) dollars per diem for writing the minutes of each and every term of the superior court of Brunswick County held therein.

Allowance for  
making dockets.

SEC. 2. The county commissioners of Brunswick County shall pay to the clerk of the superior court of said county the sum of fifteen dollars for making up the dockets of said court at each term thereof.

Appropriation for  
arranging papers.

SEC. 3. That the county commissioners of Brunswick County are directed to appropriate the sum of two hundred (\$200) dollars, or as much thereof as may be necessary in the judgment and discretion of the clerk of the superior court of Brunswick County, for the purpose of assorting, filing, indexing, etc., of administrators' and executors' papers, State and civil judgments, coroners' reports and all other old papers in the office of the said clerk of the superior court of Brunswick County which are not properly filed and indexed now. And be it further enacted, that this work shall be done under the personal supervision of the said clerk of the superior court of Brunswick County.

Supervision of  
work.

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

Ratified this the 8th day of March, 1911.

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#### CHAPTER 743.

AN ACT TO AMEND SECTIONS TWO THOUSAND AND TWENTY-FOUR AND TWO THOUSAND AND TWENTY-FIVE OF THE REVISAL, RELATIVE TO LIENS ON COLTS AND CALVES.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That section two thousand and twenty-four be amended by adding after the word "jennet" and before the word "or" in line two the word "sow," and by adding after the word "jack" and before the word "or" the word "boar," and that section two thousand and twenty-five be amended by adding after the word "colt" and before the word "or" in line one the word "pigs," and by adding at the end of said section after the word "calf" the word "pigs."

Application of act.

SEC. 2. That this act shall apply to Wilkes County only.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, 1911.

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#### CHAPTER 744.

AN ACT TO REQUIRE THE COMMISSIONERS OF MOORE COUNTY TO ELECT ONE OR MORE FOREST WARDENS.

*The General Assembly of North Carolina do enact:*

Appointments of  
wardens and  
deputies.

SECTION 1. That the commissioners of Moore County shall elect and appoint one forest warden for the county and one deputy forest warden for each township in Moore County, which, in the judg-

ment of the commissioners, require the services of such deputy forest warden: *Provided*, that this act shall also apply to Cumberland County. Proviso:  
Cumberland  
County.  
Duties of wardens.

SEC. 2. That the duties of such forest warden and deputy forest warden shall be to prevent and extinguish forest fires, to investigate the causes of any fires, to make arrests and prosecute for violation of the forest laws, to post copies of the forest fire laws and warnings against fires, which will be supplied by the county commissioners, and such other duties which the county commissioners may deem necessary for the prevention of forest fires.

SEC. 3. It shall be the duty of the warden or deputy warden in charge of a township between the first day of December and the first day of March in each year, to cause that section in his charge to be secured from forest fires by clearing, burning and plowing, and aid in getting the neighbors to secure all lands and forest in said township from fire that could be considered dangerous for fires. Further  
enumeration of  
duties.

SEC. 4. The pay of the county forest warden shall be fixed and paid by the county commissioners at a rate not to exceed twenty-five cents per hour for the time actually employed in the performance of his duty. The total amount paid to such county fire warden not to exceed one hundred dollars in any one year. The pay of the deputy forest wardens shall be fixed and paid by the county commissioners at a rate not to exceed twenty cents per hour for the time actually employed in the performance of their duties. The total amount paid to any such deputy forest warden not to exceed eighty dollars in any one year. Pay of county  
warden.  
Total amount.  
Pay of deputies.  
Limit of amount.

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

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

Ratified this the 8th day of March, 1911.

CHAPTER 745.

AN ACT TO REGULATE HUNTING FUR-BEARING ANIMALS IN GATES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to set any trap, dead-falls or other device for the purpose of catching any fur-bearing animals, or to catch any fur-bearing animals by trap, dead-falls, snares or other devices of the kind between the first day of April and the fifteenth day of November of each year in Gates County: *Provided*, that growing or standing crops and poultry may be protected from the depredations of wild animals by trapping them while Close season.  
Proviso:  
animals  
devastating crops.

actually in the field or on the premises when such crops are growing or standing or where such poultry may be kept.

Misdemeanor.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.

Punishment.

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

Ratified this the 8th day of March, 1911.

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### CHAPTER 746.

AN ACT TO EMPOWER THE COMMISSIONERS OF THE COUNTIES OF ANSON AND RICHMOND TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE OVER THE PEE DEE RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the boards of commissioners of the counties of Anson and Richmond are authorized and empowered to expend out of the funds of their respective counties, or to incur binding obligations therefor, such sums as in their judgment may be proper for the construction of a bridge over the Pee Dee River at some point on said river between Digg's Ferry and Blewett's Falls. The said boards may determine the amounts to be contributed by each county to the securing of this bridge, and in order to lessen the cost to each of said counties the said commissioners are allowed and empowered to co-operate upon such agreement between said boards as to the amounts to be contributed by each, and as to the rules and regulations to govern the use of said bridge by the public, and as to the keeping of it in repair and its general supervision, as may seem expedient to the said boards of commissioners. And the board of commissioners of the town of Rockingham are authorized and empowered to aid and assist in the building and construction of said bridge, and it is hereby authorized and empowered to contribute to said purpose a sum not to exceed twelve thousand five hundred dollars. That in the event said bridge is not built the said commissioners of the counties of Anson and Richmond and the town of Rockingham may provide for the equipment and maintenance of a ferry or ferries across said bridge.

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

Ratified this the 8th day of March, 1911.

Expenditure for bridge authorized.

Location.

Apportionment of expense.

Contribution by town of Rockingham.

Limit.

Ferry.

## CHAPTER 747.

AN ACT TO BE A SUPPLEMENTAL ACT TO SENATE BILL ONE THOUSAND THREE HUNDRED AND SIX, HOUSE BILL TWO THOUSAND AND TWENTY, AND RATIFIED MARCH SIXTH, ONE THOUSAND NINE HUNDRED AND ELEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "Currituck" shall be stricken out of the title and body of said bill wherever it appears. Currituck stricken out.

SEC. 2. That the provisions of said bill shall not apply to Currituck County.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 748.

AN ACT TO PROTECT FISH IN PORTER SWAMP IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to set any fish traps or nets in the waters of Porter Swamp in Columbus County in such a manner as to prevent the free passage of fish. Unlawful setting of fish traps or nets.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not less than ten nor more than thirty days for each offense. Misdemeanor. Punishment.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 749.

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND SEVENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATING TO THE PRIMARY ELECTION LAW OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight hundred and seventy-six (876) of the Public Laws of the session of one thousand nine hundred and nine (1909) be amended as follows:

Oath.

In line two of section six insert after the word "shall" and before the word "take" the words "if challenged for any of the causes contained in section five, sub-sections (a), (b) or (d)."

Determination of  
political  
affiliation.

In section seven (7) strike out all of said section after the word "election" in line three (3) and insert the following: "It shall be the duty of the registrar and managers of such precinct to determine whether or not such person is a member of the political party holding such primary."

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

Ratified this the 8th day of March, 1911.

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#### CHAPTER 750.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO ISSUE BONDS OF JONESBORO TOWNSHIP FOR LAYING OUT AND BUILDING AND IMPROVING THE PUBLIC ROADS OF SAID TOWNSHIP, RATIFIED MARCH THE SECOND, ONE THOUSAND NINE HUNDRED AND ELEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled an act to authorize the commissioners of Lee County to issue bonds of Jonesboro Township for laying out, building and improving the public roads of said township, ratified March the second, one thousand nine hundred and eleven, be amended by striking out the word "eleven" in line two of section four and inserting in lieu thereof the word "twelve."

Date changed.

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

Ratified this the 8th day of March, 1911.

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#### CHAPTER 751.

AN ACT SUPPLEMENTAL AND AMENDATORY TO HOUSE BILL FIFTY-EIGHT, ENTITLED "A BILL TO BE ENTITLED AN ACT TO REGULATE FISHING AND HUNTING IN BURKE COUNTY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of said act be stricken out and the following inserted in lieu thereof: "That any game warden appointed by the owners or lessees of said watercourses shall have the right without warrant to arrest any person found fishing, dynamiting fish, seining, snaring or sacking fish without a permit in any of the above named waters."

Ratified this the 8th day of March, 1911.

Arrest without  
warrant.

## CHAPTER 752.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWENTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE COURT STENOGRAPHERS FOR CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend section one of chapter six hundred and twenty Appointment of the Public Laws of one thousand nine hundred and seven, by striking out the words "resident judge of the Seventh Judicial District, or, in his absence from the district, the judge riding the district," in lines one, two and three, and insert the words "board of commissioners of Cumberland County"; and strike out the word "judge" in line eight of said section and insert the word "board" in lieu thereof.

SEC. 2. Strike out section five and insert in lieu thereof the following:

"Sec. 5. Such stenographer shall receive such compensation as Compensation. may be fixed by the board of commissioners of Cumberland County not to exceed six dollars per day. In each case, civil or criminal, Tax fee. where the stenographer is used there shall be taxed a stenographer's fee of five dollars or such sum as the board of commissioners deem necessary, the same to be collected by the clerk and paid to the treasurer of the county."

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

Ratified this the 8th day of March, 1911.

## CHAPTER 753.

AN ACT TO REPEAL AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO AUTHORIZE UPPER LITTLE RIVER AND OTHER TOWNSHIPS IN HARNETT COUNTY TO ISSUE BONDS FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION AND EXTENSION OF THE ATLANTIC AND WESTERN RAILROAD, RATIFIED THE TWENTY-FIFTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND ELEVEN."

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled "An act to authorize Upper Little Law repealed. River and other townships in Harnett County to issue bonds for the purpose of aiding in the construction and extension of the At-

lantic and Western Railroad," passed by the General Assembly of one thousand nine hundred and eleven, and ratified on the twenty-fifth day of February, one thousand nine hundred and eleven, be and the same is hereby repealed.

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

Ratified this the 8th day of March, 1911.

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### CHAPTER 754.

#### AN ACT TO PROTECT QUAIL OR PARTRIDGE IN ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

- Sale forbidden. SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any partridge or quail in Alexander County during any season of the year or to ship or carry out of said county for the purpose of selling or otherwise disposing of same for gain except as hereinafter provided.
- Close season. SEC. 2. That it shall be unlawful for any person or persons to kill any quail in Alexander County between the first of January and the twentieth day of November of each and every year: *Provided*, that nonresidents who shall have just obtained their license may be allowed to carry away from said county not more than fifty of said partridges or quail at one time.
- Proviso: transportation. SEC. 3. That J. R. Carson, of said county, be and he is hereby appointed game warden for a term of two years, and upon his death or resignation the county commissioners of said county shall have power to fill said vacancy. Said warden may at his discretion appoint a deputy game warden in each township of said county.
- Game warden. SEC. 4. The game warden or his duly appointed deputy shall have power to summon any person to appear before any justice of the peace of said county to give evidence against any person charged with the violation of any section of this act.
- Vacancy. SEC. 5. Any person or persons residents of said county hunting in said county other than on their premises or lands shall first obtain a license from the clerk of the superior court of said county by paying to said clerk the sum of one dollar and nonresidents the sum of ten dollars for each year, twenty-five cents of said sum to be kept by the said clerk for his fee, twenty-five cents to be paid to the game warden as his fee and the balance to be paid by the clerk into the county treasurer's office to be applied to the general school fund of said county.
- Deputy. SEC. 6. That it shall be unlawful for any person to hunt on the lands of another without written permission from said landowner.
- Power of wardens.
- Hunting license.
- License tax.
- License tax to school fund.
- Hunting without permission unlawful.

SEC. 7. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, that any person convicted under the provisions of this act shall pay to said warden or his deputy the sum of two dollars and fifty cents, to be taxed as part of the costs in this action.

Misdemeanor.

Punishment.

Proviso: fee for game warden.

SEC. 8. That this act shall be in force from and after its ratification, and shall apply only to Alexander County.

Application of act.

Ratified this the 8th day of March, 1911.

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### CHAPTER 755.

#### AN ACT TO PROHIBIT THE DUMPING OF SAWDUST INTO THE STREAMS OF ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any owner, lessee, firm or corporation or any other person having charge of any sawmill in Rockingham County to throw or dump the dust of said mill or permit the same to go into the branches, creeks and rivers of Rockingham County.

Prohibition.

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.

Misdemeanor.

Punishment.

SEC. 3. That all laws and clauses of laws in so far as they conflict with this act are hereby repealed, and that this act shall apply only to Rockingham County.

Application.

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

Ratified this the 8th day of March, 1911.

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### CHAPTER 756.

#### AN ACT TO PROTECT GAME IN ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to hunt, trap, net, shoot or kill or hunt with dogs any rabbits or opossums in Rockingham County from the first day of February until the first day of October of each year.

Close season for rabbits and opossums.

SEC. 2. That it shall be unlawful to hunt, trap, net, shoot or kill or hunt with dogs any squirrels from the first day of February until the first day of August of each year.

Close season for squirrels.

Close season for feathered game.

SEC. 3. That it shall be unlawful to hunt, trap, net, shoot or kill or hunt with dogs any wild turkeys, quail or partridges from the first day of February until the first day of December of each year.

Squirrels and rabbits damaging crops.

SEC. 4. That nothing in the first and second section of this act shall prohibit landowners or renters from killing squirrels and rabbits when the growing crops are being damaged by the same.

Hunting without permission forbidden.

SEC. 5. That it shall be unlawful for any person or persons to hunt or kill, or take from the land of others, any game, without first having permission from the owners of the land from which such game is moved.

Misdemeanor.

SEC. 6. Any person or persons violating any section of this act shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than twenty-five dollars for each offense.

Punishment.

Repealing clause.

SEC. 7. That all laws heretofore passed in regard to hunting and killing such game in Rockingham County as are named in this act are hereby repealed.

Application of act.

SEC. 8. That this act shall apply to Rockingham County only.

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

Ratified this the 8th day of March, 1911.

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## CHAPTER 757.

AN ACT TO EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY TO PURCHASE A DREDGER AND EQUIPMENT FOR THE PURPOSE OF DRAINING THE LOWLANDS AND SWAMP LANDS.

Preamble.

That, whereas, people of the State of North Carolina are very much interested in the drainage and reclaiming the lowlands and restoring them to fertility and use; and whereas, it is difficult for the citizens owning such lands to co-operate and purchase dredgers and equipments, because of the difficulty of co-operation:

Preamble.

*The General Assembly of North Carolina do enact:*

Purchase authorized.

SECTION 1. That the board of county commissioners of any county in the State may, upon petition of one hundred citizens, who are freeholders, in their discretion, purchase and own one or more dredgers and equipments for the purpose of dredging the creeks and swamps in the respective counties, and pay for the same out of the general county fund.

Prior contracts for use.

SEC. 2. That before purchasing said dredging machine and equipment, the board of county commissioners shall make valid contracts with its citizens, or citizens of other counties, for the use of said dredge in a sum sufficient in their judgment to warrant the purchase of same.

SEC. 3. That said county commissioners shall have the right and power to operate said dredger and pay for said operation out of the general county funds and make contract for the cost of dredging with the landowners, or they may rent said dredger at a reasonable price to any person or company.

Operation.

SEC. 4. That one or more boards of county commissioners in different counties may join in the purchase and use of a dredging machine, and may contract with the landowners for the use of the same in draining their creek and swamp lands.

Counties may make joint purchase.

SEC. 5. That this act shall only apply to Forsyth County.

Application of act.

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

Ratified this the 8th day of March, 1911.

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CHAPTER 758.

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND NINETY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE PUBLIC ROADS IN RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and ninety-three of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed, and that chapter sixty-five of The Revisal of one thousand nine hundred and five of North Carolina shall apply to Rutherford County and be the sole road law of said county unless the qualified voters of said county shall ratify the road law which was enacted at the session of one thousand nine hundred and eleven, of the General Assembly of North Carolina, then and in that event, this law shall not apply to the county or to any township therein where such road law has been voted.

Law repealed.

Law applied to Rutherford County.

SEC. 2. All roads and ferries and all roads used by rural letter carriers that have been laid out or appointed by virtue of any act of the General Assembly or any order of the court or established as rural free delivery route in said county, are hereby declared to be public roads and ferries, and the board of commissioners of Rutherford County and the board of supervisors, as mentioned in chapter sixty-five of The Revisal of one thousand nine hundred and five, shall have control and management of all said roads in said county.

Public roads and ferries.

SEC. 3. That all moneys now in the hands of the treasurer of Rutherford County, or which may come into their hands under or by virtue of chapter four hundred and ninety-three of the Public Laws of one thousand nine hundred and nine, shall be held by him subject to the further direction of the board of county commissioners of Rutherford County.

Money on hand.

Existing debts.

SEC. 4. That the treasurer of said county shall be and is hereby authorized and directed to pay all just debts and obligations contracted and made by the properly constituted road authorities under the provisions of said chapter four hundred and ninety-three of the Public Laws of one thousand nine hundred and nine.

Money to be paid over.

SEC. 5. That all public road moneys collected under and by virtue of the said chapter four hundred and ninety-three of the Public Laws of one thousand nine hundred and nine, now in the hands of any person in said county, shall be immediately paid over to the county treasurer to be held by him as herein provided: *Provided*, that nothing herein shall be construed to prevent, or shall have the effect of preventing the collection, by the sheriff or tax collector of Rutherford County, the taxes levied for public road purposes in June, one thousand nine hundred and ten, for the fiscal year of one thousand nine hundred and ten: *Provided, further*, that the repeal of this chapter four hundred and ninety-three of the Public Laws of one thousand nine hundred and nine shall not have the effect of relieving any person or persons from public road duty as now provided by law.

Proviso: taxes heretofore levied.

Proviso: road duty.

Repeal clause.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Act effective.

SEC. 7. That this act shall be in force and effect from and after its ratification and until a special tax road law shall have been ratified by a majority of the qualified voters of Rutherford County, entitled "An act for the better improvement of the public roads of Rutherford County," and in event such law may be ratified then this law shall have no force or effect in any township or the county at large ratifying the aforesaid road law.

Ratified this the 8th day of March, 1911.

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#### CHAPTER 759.

#### AN ACT AUTHORIZING COUNTY COMMISSIONERS TO MAKE APPROPRIATIONS FOR ROAD DEMONSTRATION WORK.

Preamble.

Whereas, the efficiency of the split-log or king-drag has not been clearly demonstrated; and, whereas, the good roads associations all over North Carolina are urging the use of the said drag; now, therefore, for the purpose of demonstrating the efficiency of said method of permanent road building:

*The General Assembly of North Carolina do enact:*

Appropriation authorized.

SECTION 1. That the board of county commissioners of each county of the State of North Carolina be and they are hereby authorized and fully empowered to appropriate annually from the general county funds of their respective counties an amount not exceeding

the sum of five hundred dollars, to be used and expended in road demonstration work by means of the split-log or king-drag.

SEC. 2. That the county commissioners of each county of the State shall have general supervision and control over said work, the manner and time in which the roads of the county shall be worked, with full authority to employ such labor and at such compensation as may be necessary to carry out the provisions of this act.

Supervision and control of work

SEC. 3. That it shall not be necessary or required of the county commissioners to have all the roads of the county worked as provided in section one, but they shall select sections of certain roads in each township of the county which said sections shall be dragged at the proper time after each rain for two successive years, so as to demonstrate to the people the effects of said method of road improvement.

Selection of roads.

SEC. 4. This act shall apply to Union County only.

Application of act.

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

Ratified this the 8th day of March, 1911.

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### CHAPTER 760.

#### AN ACT TO AUTHORIZE CERTAIN NONRESIDENTS TO HUNT UNDER CERTAIN CIRCUMSTANCES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person not to reside in this State to hunt or kill wild water fowls, wild turkeys, pheasant, or grouse, woodcock, partridge, quail, or other game birds or deer, within this State until he shall first have secured a hunting license as provided by law: *Provided, however,* that the nonresident

Nonresidents to obtain license.

child of a resident owner of land in this State shall be allowed to hunt on the lands of his parent as though he were a resident of this State, and the nonresident guests of a resident landowner shall be allowed to hunt on the lands of his host as though he were a resident of this State when accompanied by said host or a member of his host's family: *Provided,* said host receives no compensation, directly or indirectly, from said guest.

Proviso: exceptions.

SEC. 2. That this act shall apply to Northampton and Caswell counties only.

Proviso: no compensation from guests.

Application of act.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 761.

## AN ACT TO AMEND THE SUB-CONTRACTOR'S LIEN LAW.

*The General Assembly of North Carolina do enact:*

- Notice. SECTION 1. That section two thousand and nineteen of The Revisal of one thousand nine hundred and five be, and the same is hereby amended by striking out of said section all the words therein following the word "law" in line six thereof.
- Notice to owner. SEC. 2. That section two thousand and twenty of The Revisal of one thousand nine hundred and five be and the same is hereby repealed.
- Owner to require statement. SEC. 3. That section two thousand and twenty-one of The Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out in lines four and five thereof the words "It shall be his duty to furnish to the owner or his agent before receiving" and inserting in lieu thereof the words, "it shall be the duty of the owner or his agent to require the contractor to furnish him before paying" and inserting after the words "itemized statement" in line six thereof the words "duly verified," and by adding to said section the following words: "*Provided*, that the failure of the owner to require the itemized statement duly verified from the contractor, as prescribed in this section, shall not in any way affect the right of the laborer performing labor or the person or persons furnishing material, to file and enforce a lien for such labor or material upon the land and the building."
- Proviso: failure of owner.
- Notice of lien. SEC. 4. That section two thousand and twenty-eight of The Revisal of one thousand nine hundred and five be amended by striking out the word "twelve" in line two thereof and inserting in lieu thereof the word "six."
- Application of act. Proviso: Union and Stanly. Proviso: Union County. SEC. 5. That this act shall apply only to Durham, Rowan, Guilford and Randolph counties: *Provided*, this act shall not apply nor shall it be enforced in Union and Stanly counties: *Provided*, further, that where material is furnished by any person, firm or corporation outside of Union County, the provisions of this act shall not apply in the collection of said debt, but the law as now on the statute books shall apply.
- 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 this the 8th day of March, 1911.

## CHAPTER 762.

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF ROBESON COUNTY TO APPROPRIATE TWO HUNDRED AND FIFTY DOLLARS ANNUALLY FROM THE FUND OF ROBESON COUNTY TO THE MAINTENANCE OF THE LUMBER BRIDGE LIGHT INFANTRY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Robeson County is hereby authorized, empowered and directed to pay out of the public funds of Robeson County the sum of one hundred dollars for the year nineteen hundred and eleven, and annually thereafter, for the maintenance and support of the Lumber Bridge Light Infantry at Lumber Bridge, Robeson County, North Carolina.

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 this the 8th day of March, 1911.

## CHAPTER 763.

AN ACT FOR THE RELIEF OF SHERIFFS, EX-SHERIFFS AND TAX COLLECTORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all sheriffs, ex-sheriffs and tax collectors of Rockingham County, who by virtue of their office have had tax lists in their hands for the purpose of collecting the taxes of said county, cities, towns or townships therein, for the years one thousand nine hundred and seven, and one thousand nine hundred and eight, and in case of death or default, their personal representatives, bondsmen, or any agent that they may designate, 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 may hereafter be provided by law for collection of taxes.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who holds the receipt in full for the years named in section one of this act, or 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 after he shall have made a final settlement: *Provided*, that this act shall not authorize the sale of any land for taxes

Appropriation authorized.

Amount.

Sheriffs, ex-sheriffs and tax collectors of Rockingham County to collect arrears of taxes. Years.

Persons not compelled to pay.

Proviso: sale of land.

which has been conveyed to a purchaser for value and without actual notice of the nonpayment of the taxes.

Officers and  
representatives not  
relieved.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs or 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.

Termination of  
power.

SEC. 4. That the authority herein given shall cease and determine on the thirty-first day of December, one thousand nine hundred and eleven.

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

Ratified this the 8th day of March, 1911.

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#### CHAPTER 764.

AN ACT TO AMEND HOUSE BILL NUMBER ONE THOUSAND ONE HUNDRED, SENATE BILL NUMBER ONE THOUSAND SIX HUNDRED AND TWO, RATIFIED MARCH SIXTH, ONE THOUSAND NINE HUNDRED AND ELEVEN, RELATING TO PRIMARY ELECTIONS IN BEAUFORT COUNTY.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That this act shall also apply to Pamlico, Gaston, Greene, Northampton, Bladen and Dare counties.

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

Ratified this the 8th day of March, 1911.

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#### CHAPTER 765.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEE COUNTY TO PAY A CERTAIN SUM TO THE COUNTY COMMISSIONERS OF MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

Payment  
authorized.

SECTION 1. That the board of commissioners of Lee County be and they are hereby authorized to pay the commissioners of Moore County the sum of four hundred and sixteen dollars, due the school fund of Moore County under the terms of settlement between said counties, and charge the same to the school fund of Lee County.

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

Ratified this the 8th day of March, 1911.

Amount.

## CHAPTER 766.

## AN ACT TO AMEND THE SQUIRREL LAW IN PUNGO PRECINCT IN THE COUNTY OF BEAUFORT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall not be unlawful to shoot squirrels in Open season. Pungo Precinct in Beaufort County from October first to March thirty-first in each and every year.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 767.

## AN ACT TO PUNISH PERSONS WHO GO IN PUBLIC PLACES OR ASSEMBLIES IN A DRINKING OR BOISTEROUS CONDITION IN CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to be drunk or boisterous on the public highways or to be at a public gathering in a drunken condition, or acting in a disorderly manner. Conduct declared unlawful.

SEC. 2. Any person violating section one of this act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not more than thirty days. Punishment.

SEC. 3. That this act shall apply to the following counties only: Harnett, Clay, Graham. Application of act.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 768.

## AN ACT TO APPOINT A COTTON WEIGHER FOR ANSONVILLE TOWNSHIP IN ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Anson County are hereby authorized, empowered and directed to appointed a cotton weigher for Ansonville Township at their regular monthly meeting in the month of April, one thousand nine hundred and eleven, who Appointment.

- Term. shall hold his office for the term of two years from the date of his appointment, and his successor shall be elected at the next regular election to be held for township officers.
- Election of successor. shall hold his office for the term of two years from the date of his appointment, and his successor shall be elected at the next regular election to be held for township officers.
- Cotton weigher to give bond and qualify. SEC. 2. That the cotton weigher elected as above provided for before being allowed to act as such, shall give a justified bond in such sum as the board of commissioners shall deem sufficient, not to exceed five hundred dollars, conditioned for the faithful performance of his duties as cotton weigher for the said township, the said bond to be approved by the said commissioners and, when approved, filed in the office of register of deeds of Anson County; and the said cotton weigher, before entering upon his duties, shall make and subscribe an oath, before some person qualified to administer oaths, to fairly and impartially weigh all cotton brought to him and to faithfully perform all the duties appertaining to his said position of cotton weigher; and any cotton weigher accused and convicted of any fraud or unfairness in the weighing of cotton, or in making unfair deductions from the weights of the same, for water or any other damages, shall be peremptorily removed from office by said board of commissioners.
- Removal for fraud. fraud or unfairness in the weighing of cotton, or in making unfair deductions from the weights of the same, for water or any other damages, shall be peremptorily removed from office by said board of commissioners.
- Misdemeanor. SEC. 3. Any person other than the legally appointed or elected cotton weigher, who shall weigh any cotton offered for sale in the said township of Ansonville, shall be guilty of a misdemeanor and punished, in the discretion of the court.
- Punishment. SEC. 3. Any person other than the legally appointed or elected cotton weigher, who shall weigh any cotton offered for sale in the said township of Ansonville, shall be guilty of a misdemeanor and punished, in the discretion of the court.
- Compensation. SEC. 4. That any cotton weigher appointed or elected under this act shall receive as full compensation for his services such compensation as now is received by other cotton weighers of Anson County.
- Vacancies. SEC. 5. That said board of commissioners are empowered to fill any and all vacancies in said position of cotton weigher.
- SEC. 6. That this act shall be in force from and after its ratification.
- Ratified this the 8th day of March, 1911.

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#### CHAPTER 769.

AN ACT TO MITIGATE THE EVILS OF HYDOPHOBIA, AND TO PROTECT THE SHEEP INDUSTRY OF NORTH CAROLINA, BY IMPOSING A TAX UPON DOGS TO CREATE A FUND FOR THE PAYMENT OF CERTAIN DAMAGES FOR SHEEP KILLED OR WOUNDED BY THEM IN CERTAIN CASES.

*The General Assembly of North Carolina do enact:*

- Dog tax. SECTION 1. That in all counties of the State, except in those counties, or any part thereof, having and enforcing laws taxing or licensing dogs owned or harbored in such county, or part thereof, there shall be annually levied and collected the following tax upon

dogs: *Provided*, that this act shall only apply to those counties which may by order of their board of county commissioners instruct their tax listing officers to list dogs as provided herein. Upon every male dog over three months old owned or kept by any person, firm or corporation, one dollar; upon every female dog over three months old owned or kept by any person, firm or corporation, two dollars.

Proviso: by order county commissioners.  
Male dog.  
Female dog.

SEC. 2. The list takers or assessors of every township or ward, at the time of making their annual assessments, shall inquire and ascertain the number of dogs liable to be taxed and requested by the owners thereof to be listed, and shall enter on their regular tax abstracts on a space to be provided for same the number of dogs owned by said person, firm or corporation, describing same by color, size, etc., and shall designate the class of dog, whether male or female, and the amount of tax due as specified in the preceding section. It shall be the duty of the list taker or assessor to explain to the owner of any dog or dogs the effect of listing same, and the amount of tax they will be required to pay. Any person desiring to be relieved of this tax may within three days after the sitting of the list takers or assessors in their respective townships, wards or precincts, furnish sufficient evidence to said list taker or assessor or to some justice of the peace in the county or city where said taxpayer resides, that he has killed said dog or dogs. Upon furnishing said information to the satisfaction of the officers mentioned herein, the owner of said dog or dogs shall be exempt from the tax imposed herein. Any owner failing to list a dog or to kill same as herein specified, shall be guilty of a misdemeanor, and fined or imprisoned, in discretion of the court. The list takers or assessors shall also give to the owners who list dogs a metal label that may be securely affixed to a dog collar. Such label shall bear the year in which said tax was levied, and shall be regularly worn by all dogs required by this act to be listed. Any person, firm or corporation being a nonresident of this State who hunts or attempts to hunt in any manner with a dog within the borders of this State, shall be liable to the tax prescribed by this act, and shall also be liable to the penalty imposed herein for hunting or attempting to hunt with any dog, without first paying the proper license and having his dog labeled. Said labels shall be paid for from the dog tax fund.

Listing dogs.  
Explanation to owners.  
Relief by killing dogs.  
Failure to list or kill dog a misdemeanor.  
Labels.  
Nonresident hunters.

SEC. 3. The clerks of the various boards of county commissioners or city council, as the case may be, shall enter upon their tax duplicates the list as returned herein. The tax receipts shall show in separate columns the amount of dog tax to be paid. The said tax shall be collected by the sheriff or tax collectors in the same manner and at the same time as the general taxes are collected, and with the same liability as to the proper accounting and settling for same. They shall have power to levy and sell any property of the

Entries on tax lists.  
Collection of tax.

- owner or owners, keeper or keepers of dogs liable to be taxed.
- Commissions. They shall receive the same rate of commissions for collecting and accounting for this tax as they now receive for the general taxes: *Provided*, that in those counties where sheriffs are paid a salary, they shall receive no additional pay for collecting this tax.
- Proviso: sheriffs on salary.
- Settlements of tax. SEC. 4. The sheriffs or tax collectors shall pay over to the respective county or city treasurers, as the case may be, after deducting their commission as provided in the preceding section, the money arising from this act. It shall be the duty of the various county or city treasurers to keep a full, complete and separate record of this tax, which shall be known and designated as "The Dog Tax Fund."
- Records. The said treasurers shall receive the same rate of commission on this tax as now allowed them for the general taxes: *Provided*, that in counties or cities where the treasurer is paid a salary, he shall be allowed no additional compensation for receiving and accounting for the tax provided under this act: *Provided, further*, that in cases where the sheriff or tax collector is unable to collect the tax in the manner above specified prior to the 31st day of December in each year, it shall be his duty to levy upon each and every dog upon which such tax has not been paid wherever said dog or dogs may be found, and it shall further be his duty to take possession of said dog or dogs and kill or cause the same to be killed. The absence of the before-mentioned label, or inability of owner to show that the dog has been properly listed, shall be *prima facie* evidence of his intention to evade this law. For every dog so killed and buried the sheriff or tax collector shall receive from the dog tax fund of the county or city in which said dog or dogs are assessed, a fee of one dollar.
- Commission. SEC. 5. Whenever any person shall sustain a loss by the killing or wounding of his sheep, lambs or hogs by a dog or dogs, he may call on two disinterested freeholders in the county or city where said killing or wounding occurred, not of kin to such person, and not a member of the county commissioners or city council, who shall proceed to view the sheep, lamb or hogs so killed or wounded, and if from such examination the said freeholders shall be satisfied that the same were killed or wounded by a dog or dogs, and shall give to the owner thereof a sworn statement in writing to that effect, stating the amount of damage sustained by such person, and the owner of such sheep or hogs shall deliver said sworn statement to the clerk of the board of county commissioners or city council, who shall file same in his office and at the next regular meeting of the board of county commissioners or city council, the said claim so recommended shall be examined by the board of county commissioners or city council, and so much thereof paid from the dog tax fund as to them seems just and proper: *Provided*, that no greater sum shall be paid for any sheep or hog killed or damaged than the previous tax valuation on same: *Provided, further*, that in the case of
- Proviso: treasurer on salary.
- Proviso: collection by levy.
- Pay for killing dog.
- Claims for damages.
- Payment.
- Proviso: limit.
- Proviso: damage to improved stock.

loss or damage to improved stock purchased subsequent to the last listing time, the board of county commissioners or city council, as the case may be, shall determine the amount to be paid for said loss or damage.

SEC. 6. If any money remains of such fund after satisfying payment of all claims aforesaid in any one year after December thirty-first, one thousand nine hundred and eleven, over and above the sum of one hundred dollars (\$100), it shall be apportioned by said board of county commissioners or city council in proportion as the same was received from each township or ward, to the respective townships or wards to be applied to the maintenance of the public highway, support of public schools or other public purposes, in the discretion of the board of commissioners: *Provided*, that no payment of loss shall be made as provided for in this section unless the party applying for same shall make it appear to the satisfaction of the county commissioners or city council that he has made all due efforts and has not been able to obtain satisfaction therefor from the owner or owners of the dog or dogs which shall have done the damage.

Application of surplus.

Proviso: owner of dog primarily responsible.

SEC. 7. Any county or city officer who shall neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, in the discretion of the court.

Neglect of duty a misdemeanor.

Punishment.

SEC. 8. Every person in possession of any dog or who shall suffer any dog to remain about his premises for the space of ten days previous to the assessment of a tax or previous to any injury, chasing, worrying or killing any sheep or hogs, shall be deemed the owner of such dog for all purposes of this act. This act shall apply only to Pamlico County.

Owner of dog.

Application of act.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification. Ratified this the 8th day of March, 1911.

## CHAPTER 770.

### AN ACT TO INCORPORATE THE GREENSBORO, ROXBORO AND NORFOLK RAILWAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That C. D. Benbow, A. B. Kimball, Garland Daniel, J. W. Patterson, Lindsey Hopkins, S. A. Caveness, C. C. McLean, D. R. Huffines, R. C. Hood and V. C. McAdoo, of Greensboro, N. C., and their associates, successors and assigns, be and they are hereby

Corporations.

Corporate name.	the "Greensboro, Roxboro and Norfolk Railway," and by that name
Corporate powers.	shall have perpetual succession, and sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges reasonably incident and necessary for the purposes of this act, as well as to enjoy all the rights and immunities which corporate bodies may now or hereafter lawfully exercise under the laws of the State of North Carolina, and may make necessary regulations for its government not inconsistent with the Constitution and laws of the United States nor of the State of North Carolina.
Capital stock.	SEC. 2. The capital stock of said company shall be ten thousand dollars, which may be increased from time to time by proper corporate action of its stockholders to an amount not exceeding five million dollars: <i>Provided</i> , such increase of capital stock shall be made upon application to be accompanied by receipt from the State Treasurer for the tax prescribed in section five thousand one hundred and ninety, Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to
Increase.	
Proviso: mode of increase.	one vote in all the meetings of the stockholders of said company; and when ten thousand dollars of the common capital stock shall have been subscribed for, the corporation may organize and begin business, with all the powers with which it is chartered, of the remaining capital stock which may be issued not more than fifty per cent thereof may, at the option of the stockholders from time to time be issued as preferred stock with such powers, privileges and preferences as to dividends and assets, rights, limitations and restrictions as the stockholders by proper corporate action may determine: <i>Provided, however</i> , that at no time shall the corporation have issued any outstanding preferred stock in an amount exceeding fifty per cent of the common stock actually issued and outstanding.
Stock vote.	
Organization.	
Preferred stock.	
Payment of subscriptions.	SEC. 3. Subscriptions to the capital stock may be made and paid in money, lands, material or services, or other things of value necessary to the uses of the corporation, and in bonds, stocks, or other valuable securities in such manner and in such terms as may be agreed upon by the corporation, through its board of directors. All the stock issued by the corporation in payment of any subscription or purchase of real estate, or personal property necessary for the uses and purposes of the corporations, or for work, labor or services performed or materials furnished to or for the corporation shall be full paid stock, and not liable for further payments, and in the absence of actual fraud the judgment of the directors as to the value of the property or the labor or services performed, or materials furnished for which the capital stock of the company may be issued, shall be conclusive; and in all statements and reports

of the corporation required to be filed by the laws of the State of North Carolina this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.

SEC. 4. The objects for which said corporation is established are: Objects of corporation.  
To deal in real estate.  
To purchase, acquire, rent, lease, own, hold and improve real estate. To sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient.

(b) To guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities issued by or any other contract or obligation of any corporation whenever proper or necessary for the business of this corporation, in the judgment of its directors. To guarantee securities.

(c) To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes or attainment of any one or more of the objects herein enumerated, or which shall at any time appear conducive to or expedient for the protection or benefit of the corporation either as holder of or interested in any property. General powers.

(d) To acquire by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with in like manner as individuals may do shares of the capital stock, notes, bonds and other obligations issued or created by other corporations, and while the holder of such stock to exercise all the rights and privileges of ownership, including the right to vote thereon to the same extent as a natural person might or could do; to lease, purchase, or otherwise acquire, own, hold, maintain, use, and dispose of the rights-of-way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of any other corporation, or to unite and consolidate with any other corporation upon such terms as may be agreed upon, and also to borrow money, and for such consideration and upon such terms as the stockholders or board of directors may determine, and to issue its notes, bonds and debentures from time to time as it may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises in whole or in part, as they may deem necessary or expedient. To deal in stocks and bonds.  
To purchase or consolidate with other corporations.  
To borrow money and secure payment.

(e) To locate, construct, maintain and operate by steam or electric power, a railroad or any part thereof upon one or more tracks, from some point at or near the city of Greensboro, in the county of Guilford, State of North Carolina, to some point at or near the city of Roxboro, county of Person, State of North Carolina, and thence from some point at or near the city of Roxboro by such route as may be determined upon to some point in the Seaboard Air Line Railway or one of its branches, or to some point in any existing line of railway connecting with the Seaboard Air Line Railway or To locate, construct, maintain and operate railroad.  
Termini and route.

Branch lines.	any of its branches; and it may also construct, maintain and operate such lateral and branch lines as it may deem necessary or advantageous to the extension, completion and operation of its said road. And for these purposes it shall have the power to construct culverts, trestles and bridges over and across streams, valleys and depressions, and it shall have the right to cross any navigable streams on its route; it shall have the right, subject to the general laws of the State, to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed, or that may be hereafter constructed in this State upon the ground of such companies at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction and may in making any intersection or connection with another road have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of Revisal of one thousand nine hundred and five, or any act of Assembly amendatory thereof, said company shall also have the right to locate such stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars, or trains, as it may think proper. For the construction of a railway provided by this act, the company shall have for the purpose of acquiring lands, easements or rights-of-way all the rights, powers and authorities given to railroads under chapter sixty-one of The Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof as fully as if the provisions of said chapter were incorporated in this act.
Culverts, trestles and bridges.	
Conjunction with other railroads.	
Turnouts.	
Stations.	
Schedules.	
Power to acquire lands.	
Entry on land for surveys.	SEC. 5. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands for the purpose of exploring or surveying the lands required by said company for the location of its railroad or depots, doing no unnecessary damage to private property, but said company shall be responsible for all damages done; and when the location of said railroad or depots shall have been determined and a survey of the same deposited in the office of the clerk of the superior court of the county in which the said land lies, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold and use and excavate and fill any such lands, and to construct said railroad or depots subject to such compensation as is hereinafter provided: <i>Provided, however,</i> that said company shall not enter upon or break ground upon the premises except for the purpose of surveying, without the consent of the owner until such damages are agreed upon between such owner and said company, or ascertained by the method hereinafter provided and such damage has been paid to such owner: and <i>Provided, further,</i> that such locating of its railroad or depot and filing its surveys in the office of the clerk of the superior court shall not preclude said
Entry on land for construction.	
Proviso: limitation.	
Proviso: right to change location.	

company from making from time to time other locations of its railroad and filing surveys of the same as its business and its developments require; and wherever any land for the location of its railroad or rights-of-way may be required by said company for the purpose of constructing and operating its railroad or for the conducting of its business herein authorized, or any part of said business, and the said company can not agree with the said owner thereof for the purchase of the same, the same may be condemned and taken and appropriated by said company at a valuation of five commissioners or a majority of them, appointed by the clerk of the superior court of the county in which the land to be condemned lies. In making such valuation the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land being surrendered, the said commissioners shall report their valuation of said land to the said clerk in writing within twenty days after receiving notice of their appointment, and shall file their report with said clerk within that time, and if the said owner or owners or the said company do not except to the valuation so reported within ten days after the filing of the report, the said clerk shall approve and confirm said report, and then upon payment of such valuation and the costs of the proceedings the said lands shall vest in and become the property of said company for the purpose hereinbefore expressed. If either or both of the parties be dissatisfied with such valuation, then either or both parties may within ten days after the filing of said report file exceptions thereto, and upon the determination of the same by the clerk and upon notice to the other party within ten days after such determination may appeal to the superior court of the county in which the land lies, at the next ensuing term thereof; and upon the demand of either party the said valuation shall be determined by a jury trial. If no such demand is made, the judge may hear and determine the matter upon exceptions filed, and either party shall have the right to appeal to the supreme court as in other cases from a judgment of the superior court. And when the said valuation has been thus ascertained and determined and paid, the said land shall vest in and be and become the property of the said company for the purposes hereinbefore expressed. In case any land so acquired shall be claimed by more than one person, then the amount of the valuation shall be deposited with the clerk of the superior court of the county in which the land lies, until the true owners of the land and the proper person to receive said money can be ascertained by an action or suit between such claimants: *Provided*, that the petition for the appointment of commissioners under this act, and the service therefor, and of summons, shall in all respects conform to sections two thousand five hundred and eighty, two thousand five hundred and eighty-one and two thousand five hundred and eighty-two of The Revisal of one thousand nine hundred and five: and *Provided, fur-*

Procedure for  
condemnation.

Right of appeal.

Hearing on  
appeal.

Appeal to supreme  
court.

Title to vest in  
company.

Valuation  
deposited with  
clerk.

Proviso:  
proceedings under  
general law.

Proviso:  
valuation on oath.

Proviso: land not subject to condemnation.

ther, that the valuation provided for in this section shall be made upon the oaths of the commissioners aforesaid, which may be administered by any clerk of the court, justice of the peace or other person authorized by law to administer oaths: *Provided, further,* that the right of condemnation herein granted shall not authorize said company to remove or invade the dwelling house, yard, kitchen, garden or burial ground of any individual without his or her consent. In case of any appeal to the superior court from the report of the commissioners by either the said company or the said owner or owners of the land to be condemned, the said company shall deposit with the clerk of the superior court of the county in which the said land lies the sum named as the valuation of said land by the commissioners, and all costs of the proceeding up to the date of the appeal, and thereupon the said land shall vest in the said company for the purposes hereinbefore expressed; and when the valuation of said land shall be finally determined, as prescribed by this act, then the sum so deposited with the clerk, or so much thereof as may be necessary to pay to the landowner or owners such valuation of said land, with such costs as he or they may recover, shall be paid to such landowner or owners for the amount of such deficiency, and such judgment shall be a lien on said lands, having priority over all other liens placed upon said land by said company or its assigns, and over any and all conveyances thereof made by said company.

Exclusive right of transportation.

SEC. 7. Said company, its successors or assigns, shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly has heretofore or may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor, and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Charges and toll.

Use of highways and streets.

SEC. 8. Said company, with the consent of the governing board of the county, city or town, as the case may be, shall have the right and authority to use any public road or highway or street for the construction or operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets, respectively, shall upon application from the company prescribe.

Consolidation and merger.

SEC. 9. The said company may connect or unite its lines with those of any other railway company or companies, or consolidate and merge its stock, property and franchises with and into those of any other railroad company or companies incorporated under the laws of this State or any other State of the United States operating or authorized to operate railway lines, upon such terms and under such name as may be agreed upon between the companies so uniting

or connecting, merging or consolidating; and the said company may lease or sell any or all of its property, real, personal or mixed, its contracts and privileges and its charter rights and franchises to any such other company, upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all of the property, real or personal or mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers and changes of name: *Provided*, that the merger or consolidation of competing lines of railway shall not be allowed under this act.

Proviso: merger of competing lines forbidden.

SEC. 10. The board of directors shall, as soon as they deem it practicable, proceed to locate the said railroad, and may have one or more locations from time to time as they may deem expedient, and the construction of some of said railroad shall be begun within five years after the ratification of this act.

Location.

SEC. 11. That the right of said company to condemn and take land in the manner aforesaid shall extend to the condemning of a space sixty feet on either side of its roadbed, necessary from the center of the same, with any necessary additional width in deep cuts and fillings required by the company for its roadways, telephone, telegraph and power transmission lines, and all other lands necessary for the construction and operation of its said railroad: *Provided, further*, that for yards, shops and depots it may condemn as much land as may be necessary for such purposes, not to exceed five acres; and in all cases where lands or rights-of-way have been condemned the owner shall petition for assessment of damages within two years from the taking and occupation and not after, except in the case of legal disabilities, and in that case within two years from the removal of such disabilities.

Beginning of construction.

Land to be condemned.

Proviso: yards, shops and depots.

Time for filing petition.

SEC. 12. A part of the railway line of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

Construction and operation by sections.

SEC. 13. That any county, township, city or town along or near or interested in the line of railroad or any of its branches may subscribe to the capital stock of the company or for bonds issued by the same, in the following manner: Upon presentation of a writing signed by not less than twenty-five freeholders and resident taxpayers of the township, or not less than fifty freeholders and resident taxpayers of the city or town or township including a city or town, or not less than one hundred freeholders and resident taxpayers of the county, as the case may be, to the board of county commissioners or to the board of aldermen or of town commissioners or other governing authorities of the city or town, as the case may

Counties and municipalities may subscribe to stock.

Petition for election.

be, requesting them to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe any sum named in said petition to the capital stock or bonds of said company, the board of county or town commissioners or other proper governing authorities, as the case may be, of said city or town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and all elections held under this section shall be held, if for a county, according to the laws and regulations provided for the election of members of the General Assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same; and if the election shall be held in a township the registrars and judges of election shall make returns to the board of county commissioners, who shall ascertain and declare the result and make a record of the same; and if the election shall be held for a city or town it shall be conducted as elections for municipal officers, and the mayor and board of aldermen, board of town commissioners or other proper governing municipal authorities, as the case may be, shall ascertain and declare the result and make a record of the same. Such elections shall be ordered within ten days after the filing of such written application, and shall take place at the expiration of forty days from the date of notice of election, which said notice shall specify the amount of bonds proposed to be voted upon, the rate of interest they shall bear and the term or terms for which they shall run; and the said county commissioners or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of said county, township, city or town for such election, if they deem it necessary.

New registration.  
Order for election.

Ballots.

Laws governing  
elections.

Time for order.

Time for election.

Notice of  
election.

Subscription if  
voted for.

Bonds for  
subscription.  
Denominations.

SEC. 14. That in case a majority of all the qualified voters in any county, township, city or town, as the case may be, shall have voted "For Subscription," the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to subscribe to the capital stock or bonds of said company, as the case may be, the sum which may have been moved in the said petition, which subscription shall be made within twenty days after the ascertainment of the result of the vote, in coupon bonds in denominations of not less than one hundred dollars

and not more than one thousand dollars each, which shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate; and the said bonds shall upon their face indicate on account of what county, township, city or town they are issued, and be signed if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners; and if issued by a city or town, by the mayor and one of the commissioners or aldermen of such city or town or by the treasurer of such city or town: *Provided, however,* that after such election has been held and such coupon bonds issued and duly signed, as above provided in the respective cases mentioned, such signatures shall be conclusive evidence of the regularity of said election in all respects and the validity of said bonds: *Provided, further,* that the said coupons shall be sufficiently signed if they contain the engraved or lithographed facsimile, in the case of county or township, of the chairman of the board of county commissioners; or in the case of city or town bonds, of the mayor; and in all conventions of stockholders of said company such counties, townships, cities and towns as may subscribe to the capital stock shall be represented by one delegate, to be appointed for such purpose by the corporate authorities of such cities or towns or by the county commissioners of the respective counties and townships.

Term and interest.

Authentication.

Proviso: signatures conclusive evidence.

Proviso: authentication of coupons.

Representation of municipal stock.

SEC. 15. The county commissioners in said county voting for subscription or in which there is a township voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year, at the time of levying their taxes, sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levy the constitutional equation of all taxation. The taxes levied as above provided shall be annually collected as other taxes and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county when the subscription has been made by a county or township, and to the treasurer of the city or town when the subscription has been made by the city or town; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purposes for which levied or collected, and none other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds or in which there is a township issuing said bonds: *Provided,* that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value thereof. In the event that the

Special taxes.

Sinking fund. Constitutional equation.

Levy and collection.

Taxes kept separate. Specific appropriation. Investment of sinking fund.

Proviso: investment in bonds.

Transfer of subscriptions.

property, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other corporation, the board of commissioners of said county making such subscription, or the proper authorities of the city or town making such subscription, shall be and are hereby authorized and required to transfer such subscription to such company as the payee and beneficiary thereof, and such other company shall stand in the place and stead of this corporation, and the same relation, privileges and immunities and rights shall exist between such other companies and such county, township, city or town so subscribing under the provisions of this act as did exist prior to such sale or transfer to such other company, as is provided for in this act.

SEC. 16. That for the purposes of this act all the counties, townships, cities, or towns through any portion of which the said railroad may pass, or along or near its lines, or at any terminal point thereof, or at or near the line of its extensions, its branches, lateral or connecting roads, or at their terminal points, or which may be interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with all the necessary authority and power to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act, and shall have the power and authority by a vote of the majority of the qualified voters of the county, township, city, or town to make a donation to said company in bonds, money or its equivalent in real or personal property, or a subscription to its capital stock. The county commissioners of the respective counties in which are situated the respective townships donating or subscribing are declared to be the corporate agents of the townships as incorporated and situated within the limits of the said counties, respectively.

SEC. 17. It shall be lawful for the said company chartered by this act to issue coupon or registered bonds, or both, in such denominations and running for such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select, conveying all its real and personal property, franchises, privileges, including its railways, transmission lines, telephone lines, power plants and all its other assets and effects, or, in case the railroad may be divided and built in sections, which said company is authorized to do, such mortgage may be placed upon such separate sections or branch lines and in such manner as the company may elect.

SEC. 18. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name on the books of the company, and shall be allowed to cast his vote, either in person or by proxy duly authorized, in

Counties and municipalities incorporated.

Corporate agents.

Power to issue and secure bonds.

Stock vote.

accordance with the rules and regulations prescribed by the by-laws of the company. The stockholders of the company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient. Meetings of the stockholders and directors may be held at Greensboro, in the county of Guilford, where the principal office of the company shall be, until the board of directors shall change the location of the principal office to some other town or point; and the said board of directors shall have the power, with the consent and approval of a majority of the stockholders of said company, to change the location of the principal office of said company from time to time.

By-laws.

Meetings of stockholders.

Principal office.

Change of office.

SEC. 19. The board of directors shall be elected from the stockholders of said company, and shall consist of not less than three, and shall be elected at the stockholders annual meeting, to be held on such days as the by-laws may direct, and shall continue in office for the term of one year from and after the date of its election and until its successors are elected and qualified; it shall choose one of its number president and one or more vice-presidents; and in case of death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall choose his successor for the unexpired term.

Board of Directors.

Election and term.

President and vice-presidents.  
Vacancies.

SEC. 20. The said company shall have the right, when necessary, to construct its said road and works across any public road or other railroad or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company which has been accepted by the board of county commissioners.

Power to cross roads and railroads.

Proviso: construction of new road.

SEC. 21. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its board of directors may deem expedient and proper for any of the purposes of the company, and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also on all its franchises, contracts, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease or in any manner convey and encumber the same or any part thereof.

Power to borrow money and sell and secure bonds.

SEC. 22. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company, under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Public act.

Prima facie evidence.

SEC. 23. That the stockholders of said company, whether corporate or private, shall not be liable for the debts of said company.

Stockholders not personally responsible.

SEC. 24. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 771.

AN ACT TO PROVIDE BLOOD HOUNDS FOR THE COUNTY OF  
TRANSYLVANIA.

*The General Assembly of North Carolina do enact:*

Purchase  
authorized.

SECTION 1. That the county commissioners of Transylvania County are hereby authorized and empowered to purchase and maintain, at the expense of the county, two blood hounds, which hounds shall be selected by the sheriff of said county, upon approval of the said commissioners.

Selection.

Charge and control  
of hounds.

SEC. 2. The blood hounds herein provided for shall at all times be in charge and under the control of the sheriff of said county, or his authorized deputy, and shall be kept at the county seat of said county, to be used in detecting and capturing any person or persons guilty of crime: *Provided*, that said hounds may be used in other counties upon the payment of reasonable compensation to the county of Transylvania.

Use.

Proviso: use in  
other counties.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 772.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND  
CHAPTER FIFTY-NINE OF THE PUBLIC LAWS OF ONE  
THOUSAND NINE HUNDRED AND NINE, ENTITLED AN  
ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE  
CITY OF DURHAM AND DURHAM TOWNSHIP AND PRE-  
SCRIBE THE JURISDICTION THEREOF."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of an act entitled "An act to amend chapter fifty-nine of the Public Laws of one thousand nine hundred and nine, entitled an act to establish a special criminal court in the city of Durham and Durham Township, and prescribe the jurisdiction thereof," ratified February twenty-third, one thousand nine hundred and eleven, be and the same is hereby amended by adding to said section the following words: "*Provided, however*, that any officer, not receiving a salary from the county of Durham, who shall execute any process, writ or subpoena issued by said court, shall be paid and shall receive the fees now prescribed by law for such service."

Proviso: fees to  
non-salaried  
officers.

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

Ratified this the 8th day of March, 1911.

## CHAPTER 773.

## AN ACT RELATIVE TO THE SALE OF SPIRITUOUS OR VINOUS LIQUORS WITHIN TWO MILES OF ST. PAUL'S BAPTIST CHURCH IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any cider, wine, beer, beerine, or other spirituous, intoxicating or alcoholic liquor, or drinks, within two miles of St. Paul's Baptist Church (white), in Newton Grove Township, Sampson County, North Carolina. Prohibition.

SEC. 2. Any person, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. Misdemeanor. Punishment.

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

Ratified this the 8th day of March, 1911.



STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE,  
RALEIGH, May 18, 1911.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. BRYAN GRIMES,  
*Secretary of State.*

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NOTE.

In 1909 the General Assembly of North Carolina passed an act entitled "An act to amend section 5349 of The Revisal of 1905 and provide for the classification and publication of the acts of the General Assembly into Public, Public Local, and Private Laws." In compliance with this law, the acts of 1911 have been classified into Public, Public Local, and Private Laws. All laws of State-wide application have been classed as public; laws of a public nature but of only local application have been classed as public local; and all charters and laws in relation to cities and towns are classed as private.

J. BRYAN GRIMES,  
*Secretary of State.*



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